



Office of the Attorney General
Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
Statutes and Regulations

AS OF MAY 2005

INTERNET - 5/05

TABLE OF CONTENTS

NEW JERSEY STATUTES

GENERAL PROVISIONS

N.J.S.A. 45:1-1 to 45:1-27 3

BUILDING DESIGN SERVICES

N.J.S.A. 45:4B-1 to 45:4B-14 20

ENGINEERS, PROFESSIONAL, AND LAND SURVEYORS

N.J.S.A. 45:8-1 to 45:8-60 27

CONDOMINIUMS

N.J.S.A. 46:8B-8 to 46:8B-11 47

MAP OF LANDS; APPROVAL AND FILING

N.J.S.A. 46:23-9.8 to 46:23-11 49

NEW JERSEY ADMINISTRATIVE CODE

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

N.J.A.C. 13:40 57

CONTENTS OF N.J.A.C. 13:40 By SUBCHAPTER
(FOR CONTENTS BY SECTION, SEE ANALYSIS AT BEGINNING OF CHAPTER)

SUBCHAPTER 1. TITLE BLOCKS AND SEALS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS	57
SUBCHAPTER 2. APPLICATION REQUIREMENTS	59
SUBCHAPTER 3. MISCONDUCT	68
SUBCHAPTER 4. GENERAL PROVISIONS	69
SUBCHAPTER 5. LAND SURVEYORS, PREPARATION OF LAND SURVEYS	71
SUBCHAPTER 6. FEES	74
SUBCHAPTER 7. PERMISSABLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS	76
SUBCHAPTER 8. MAINTENANCE OF PROJECT RECORDS	77
SUBCHAPTER 9. RESPONSIBLE CHARGE OF ENGINEERING OR LAND SURVEYING WORK	78
SUBCHAPTER 10. CONTRACT TO PROVIDE PROFESSIONAL SERVICES; CERTIFICATION OF AUTHORIZATION	78
SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY	79
SUBCHAPTER 12. RETIRED LICENSE AND NO-FEE RETIRED LICENSE STATUS	84
UNIFORM REGULATIONS N.J.A.C.13:45C	87

CONTENTS OF N.J.A.C. 13:45C By SUBCHAPTER
(FOR CONTENTS BY SECTION, SEE ANALYSIS AT BEGINNING OF CHAPTER)

SUBCHAPTER 1. LICENSEE DUTY TO COOPERATE AND TO COMPLY WITH BOARD ORDERS	87
--	----

ANNEX

CONTINUING EDUCATION APPROVAL FORM
COMPLAINT AND REVIEW PROCESS
APPLICATION FOR CERTIFICATE OF AUTHORIZATION
GUIDELINES ON TITLE BLOCKS
NCEES (LICENSURE BOARDS)
EDMI CALIBRATION BASELINE DATA FORM

PROFESSIONAL ENGINEERS

TITLE 45. PROFESSIONS AND OCCUPATIONS

SUBTITLE 1. PROFESSIONS AND OCCUPATIONS REGULATED BY STATE BOARDS OF REGISTRATION AND EXAMINATION

CHAPTER 1. GENERAL PROVISIONS

ARTICLE 1. GENERAL PROVISIONS RELATING TO ALL PROFESSIONS AND OCCUPATIONS AFFECTED BY THIS SUBTITLE

45:1-1. Persons entitled to practice, etc. under former laws unaffected

Any person now entitled to practice any profession or to engage in any occupation, governed or regulated by the provisions of this title by virtue of any prior law, shall continue to be entitled to practice or engage in the same, notwithstanding the enactment of this title, and the validity of any license or other authorization to practice any such profession or to engage in any such occupation, heretofore issued to any person under any prior law, or of any proceeding pending to obtain such a license or authorization shall not be affected by the enactment of this title but all such persons shall in all other respects be subject to the provisions of this title.

45:1-2. Repealed by L.1971, c. 60, §5, eff. March 25, 1971

ARTICLE 2. GENERAL PROVISIONS RELATING TO CERTAIN STATE BOARDS OF REGISTRATION AND EXAMINATION

45:1-2.1. Professional boards and commissions; application of act

The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, the State Board of Public Movers and Warehousemen and the State Board of Physical Therapy Examiners.

45:1-2.2. Appointment of members by governor; public members; member from department in executive branch; quorum; vote necessary for action

- a. All members of the several professional boards and commissions shall be appointed by the Governor in the manner prescribed by law; except in appointing members other than those

appointed pursuant to subsection b. or subsection c., the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the appropriate professional organizations of this State.

- b. In addition to the membership otherwise prescribed by law, the Governor shall appoint in the same manner as presently prescribed by law for the appointment of members, two additional members to represent the interests of the public, to be known as public members, to each of the following boards and commissions: The New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Social Work Examiners, and the State Board of Veterinary Medical Examiners, and one additional public member to each of the following boards: the Board of Examiners of Electrical Contractors, the State Board of Marriage and Family Therapy Examiners, the State Board of Examiners of Master Plumbers, and the State Real Estate Appraiser Board. Each public member shall be appointed for the term prescribed for the other members of the board or commission and until the appointment of his successor. Vacancies shall be filled for the unexpired term only. The Governor may remove any such public member after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

No public member appointed pursuant to this section shall have any association or relationship with the profession or a member thereof regulated by the board of which he is a member, where such association or relationship would prevent such public member from representing the interest of the public. Such a relationship includes a relationship with members of one's immediate family; and such association includes membership in the profession regulated by the board. To receive services rendered in a customary client relationship will not preclude a prospective public member from appointment. This paragraph shall not apply to individuals who are public members of boards on the effective date of this act.

It shall be the responsibility of the Attorney General to insure that no person with the aforementioned association or relationship or any other questionable or potential conflict of interest shall be appointed to serve as a public member of any board regulated by this section.

Where a board is required to examine the academic and professional credentials of an applicant for licensure or to test such applicant orally, no public member appointed pursuant to this section shall participate in such examination process; provided, however, that public members shall be given notice of and may be present at all such examination processes and deliberations concerning the results thereof, and, provided further, that public members may participate in the development and establishment of the procedures and criteria for such examination processes.

- c. The Governor shall designate a department in the Executive Branch of the State Government which is closely related to the profession or occupation regulated by each of the boards or commissions designated in section 1 of P.L.1971, c. 60 (C. 45:1-2.1) and shall appoint the head of such department, or the holder of a designated office or position in such department, to serve without compensation at the pleasure of the Governor as a member of such board or commission.

- d. A majority of the voting members of such boards or commissions shall constitute a quorum thereof and no action of any such board or commission shall be taken except upon the affirmative vote of a majority of the members of the entire board or commission.

45:1-2.3. Qualifications; rights and duties

Such additional members:

- a. Need not meet the educational and professional requirements for membership on such boards or commissions as provided in the several statutes establishing such boards and commissions; and
- b. Shall be voting members subject to the same rights, obligations and duties as other members of their respective boards or commissions.

45:1-2.4. Effect of act on term of member in office

Nothing in this act shall affect the right of a board or commission member in office on the effective date of this act to continue to serve for the term for which he was appointed.

45:1-2.5. Compensation and reimbursement of expenses of members; executive secretaries; compensation and terms of employment; offices and meeting places

With respect to the boards or commissions designated in section 1 of P.L.1971, c. 60 (C.45:1-2.1), except as otherwise provided in subsection d. of this section, and notwithstanding the provisions of any other law:

- a. The officers and members shall be compensated on a per diem basis in the amount of \$25.00 or an amount to be determined by the Attorney General, with the approval of the State Treasurer, but not to exceed \$100.00 per diem or \$2,500.00 annually, and shall be reimbursed for actual expenses reasonably incurred in the performance of their official duties. Such moneys shall be paid according to rules and regulations promulgated by the Attorney General.
- b. The executive secretary shall receive such salary as shall be determined by the appointing authority within the limits of available appropriations and shall serve at its pleasure. Any such executive secretary who holds a certificate, license or registration issued by the board or commission by which he is employed shall not during such employment be permitted to engage in any profession or occupation regulated by the board or commission.
- c. The head of the department to which such board or commission is assigned shall maintain within any public building, whether owned or leased by the State, suitable quarters for the board's or commission's office and meeting place, provided that no such office or meeting place shall be within premises owned or occupied by an officer or member of such board or commission.
- d. The compensation schedule for members of boards and commissions provided in subsection a. of this section shall not apply to the members of the New Jersey Real Estate Commission, who shall be compensated pursuant to R.S.45:15-6 or to members of the State Board of Medical Examiners who shall receive compensation of \$150 per diem.

45:1-2.6. Inapplicability of act to rights under civil service or any pension law or retirement system

Nothing in this act shall deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service,^π or any pension law or retirement system.

¹Now title 11A.

45:1-3. Expenses of boards paid from income; surplus paid to state treasurer; accounts

Each member of the boards mentioned in section 45:1-2¹ of this title shall be entitled to his actual traveling and other expenses incurred in the performance of his duties, which sum shall be paid from the license fees and other sources of income of such boards. Such boards shall also be entitled to expend from their income such sums as shall be necessary to defray all proper expenses incurred by them in the performance of their duties, including the compensation of any of their officers or agents whom they are authorized to compensate. Such boards, if authorized to collect an annual registration or license fee from persons licensed by them, may retain in their treasuries the fees so collected and use the same for the purpose of defraying the expenses of securing evidence against and prosecuting persons violating the provisions of the laws with the enforcement of which they are charged, or, in case the revenue of the boards from other sources shall be insufficient to pay the salary of their secretaries and their other expenses, such fees may be expended for such purposes. Such boards shall be entitled to retain, in addition to the above, at least one hundred dollars in their treasuries for the purpose of preparing and holding their examinations. On or before October thirty-first in each year such boards shall pay to the state treasurer all moneys remaining in their treasuries, except as above stated, which sum, when so paid, shall form a part of the state fund. Such boards shall keep accurate accounts of their receipts and expenditures, which accounts shall be subject to audit by the state comptroller.

¹Repealed; see, now, §§45:1-2.1, 45:1-2.2.

45:1-3.1. Application of act

The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the New Jersey Cemetery Board, the State Board of Social Work Examiners and the State Board of Physical Therapy Examiners.

45:1-3.2. Charges for examinations, licensures and other services; establishment or change by rule; standards

Notwithstanding the provisions of Title 45 of the Revised Statutes or any other law to the contrary, any board or commission named in section 1 of this supplementary act¹ may by rule establish, prescribe or change the charges for examinations, licensures and other services it performs, which rule shall first

be approved by the head of the department to which such board or commission is assigned and shall be adopted in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B-1).

Any board’s or commission’s charges established, prescribed or changed pursuant to this section shall be established, prescribed or changed to such extent as shall be necessary to defray all proper expenses incurred by the board or commission in the performance of its duties but such charges shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

¹N.J.S.A. § 45:1-3.1.

45:1-3.3. Administrative fees charged by boards; modification

The Director of the Division of Consumer Affairs may by rule establish, prescribe, or modify administrative fees charged by boards in accordance with the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.). For purposes of this section, “administrative fees” are charges assessed to licensees, registrants or holders of certificates, as the case may be, for board functions that are not unique to a particular board but are uniform throughout all boards. Administrative fees include, but are not limited to, fees for a duplicate or replacement license, certification or registration, late renewal fee, license reinstatement fee, and the fee for processing change of address.

45:1-4. Salary of secretary

The secretary of each of the boards mentioned in section 45:1-2¹ of this title, whether or not a member thereof, shall be entitled to receive such reasonable salary or compensation for his services as secretary as shall be fixed by such boards, which shall be paid by the boards from their receipts, unless an appropriation is made for the expenses of such boards, in which case the same shall be paid from such appropriation.

¹Repealed. See, now, §§ 45:1-2.1, 45:1-2.2.

45:1-5, 45:1-6. Repealed by L.1979, c. 432, § 4, eff. Feb. 14, 1980

45:1-7. Professional or occupational licenses or certificates of registration; duration; expiration; exceptions; fees

Notwithstanding any of the provisions of Title 45 of the Revised Statutes or of any other law to the contrary, all professional or occupational licenses or certificates of registration, except such licenses or certificates issued to real estate brokers or salesmen pursuant to chapter 15 of Title 45, which prior to the effective date of this act were issued for periods not exceeding one year and were annually renewable, shall, on and after the effective date of this act, be issued for periods of two years and be biennially renewable, except that licenses and business permits issued to electrical contractors and certificates of registration issued to qualified journeymen electricians pursuant to chapter 5A of Title 45 shall be issued for periods of three years and be triennially renewable; provided, however, the boards or commissions in charge of the issuance or renewal of such licenses or certificates may, in order to stagger the expiration dates thereof, provide that those first issued or renewed after the effective date of this act, shall expire and become void on a date fixed by the respective boards or commissions, not sooner than six months nor later than 29 months, after the date of issue.

The fees for the respective licenses and certificates of registration issued pursuant to this act for periods of less or greater than one year shall be in amounts proportionately less or greater than the fees established by law.

45:1-7.1. Application to holders of professional or occupational licenses

- a. Notwithstanding any other act or regulation to the contrary, the provisions of this section and sections 6 and 7 of P.L.1999, c. 403 (C.45:1-7.2 et al.) shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L. 1978, c. 73 (C.45:1-15), who seeks renewal of that license or certificate.
- b. Every holder of a professional or occupational license or certificate of registration or certification, issued or renewed by a board specified in section 2 of P.L.1978, c. 73 (C.45:1-15), who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate of registration or certification. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any professional or occupational license or certificate of registration or certification not renewed within 30 days of its expiration date shall be suspended without a hearing.
- c. Any individual who continues to practice with an expired license or certificate of registration or certification after 30 days following its expiration date shall be deemed to be engaged in unlicensed practice of the regulated profession or occupation, even if no notice of suspension has been provided to the individual.
- d. A professional or occupational license or certificate of registration or certification suspended pursuant to this section may be reinstated within five years following its date of expiration upon submission of a renewal application and payment of an additional reinstatement fee. An applicant seeking reinstatement of a license or certificate suspended pursuant to this section more than five years past its expiration date shall successfully complete the examination required for initial licensure, registration or certification and submit a renewal application and payment of an additional reinstatement fee.
- e. A board specified in section 2 of P.L. 1978, c. 73 (C. 45:1-15) shall send a notice of renewal to each of its holders of a professional or occupational license or certificate of registration or certification, as applicable, at least 60 days prior to the expiration of the license or certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

45:1-7.2. Reinstatement

A board may reinstate the professional or occupational license or certificate of registration or certification of an applicant whose license or certificate has been suspended pursuant to section 5 of P.L.1999, c. 403 (C.45:1-7.1), provided that the applicant otherwise qualifies for licensure, registration or certification and submits the following upon application for reinstatement:

- a. Payment of all past delinquent renewal fees;
- b. Payment of a reinstatement fee;
- c. An affidavit of employment listing each job held during the period of suspended license, registration or certification which includes the names, addresses, and telephone numbers of each employer; and

- d. If applicable, satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license or certificate of registration or certification.

45:1-7.3. Renewal applications

- a. Renewal applications for all professional or occupational licenses or certificates of registration or certification shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional or occupational practice within the State.
- b. An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the board, the board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that he has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license, registration or certification, if applicable. The continuing education hours or credits shall be completed by the applicant within three years prior to the date of application for the return to active status, unless otherwise provided by board rule.

45:1-8. Contractors; application of § 45:1-9

The provisions of this act apply to the following classes of contractors:

- a. Tree experts, certified pursuant to P.L.1940, c. 100 (C. 13:1-28 et seq.¹);
- b. Home repair contractors, licensed pursuant to P.L.1960, c. 41 (C. 17:16C-62 et seq.);
- c. Electrical contractors, licensed pursuant to P.L.1962, c. 162 (C. 45:5A-1 et seq.);
- d. Master plumbers, licensed pursuant to P.L.1968, c. 362 (C. 45:14C-1 et seq.);
- e. Well drillers, licensed pursuant to P.L.1947, c. 377 (C. 58:4A-5 et seq.); and
- f. Any class of contractors who hereafter are licensed by the State.

¹Renumbered C. 45:15C-1 to 45:15C-10.

45:1-9. Indication of license or certificate number on contracts, bids and advertisements

Any contractor licensed by the State shall indicate his license or certificate number on all contracts, subcontracts, bids and all forms of advertising as a contractor.

45:1-10. Disclosure of laboratory payments on bills to patients and third party payors

It shall be unlawful for any person licensed in the State of New Jersey to practice medicine or surgery, dentistry, osteopathy, podiatry or chiropractic to agree with any clinical, bio-analytical or hospital laboratory, wheresoever located, to make payments to such laboratory for individual tests, combination of tests, or test series for patients unless such person discloses on the bills to patients and third party payors the name and address of such laboratory and the net amount or amounts paid or to be paid to such laboratory for individual tests, combination of tests or test series.

45:1-10.1. Claims for third party payment; licensed health care professional ;responsibility for filing

Effective 12 months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.

154 (C.17B:30-23), a health care professional licensed pursuant to Title 45 of the Revised Statutes is responsible for filing all claims for third party payment, including claims filed on behalf of the licensed professional's patient for any health care service provided by the licensed professional that is eligible for third party payment, except that at the patient's option, the patient may file the claim for third party payment.

- a. In the case of a claim filed on behalf of the professional's patient, the professional shall file the claim within 60 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23).
- b. In the case of a claim in which the patient has assigned his benefits to the professional, the professional shall file the claim within 180 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23). If the professional does not file the claim within 180 days of the last date of service for a course of treatment, the third party payer shall reserve the right to deny payment of the claim, in accordance with regulations established by the Commissioner of Banking and Insurance, and the professional shall be prohibited from seeking any payment directly from the patient.
 - (1) In establishing the standards for denial of payment, the Commissioner of Banking and Insurance shall consider the good faith use of information provided by the patient to the professional with respect to the identity of the patient's third party payer, delays in filing a claim related to coordination of benefits between third party payers and any other factors the commissioner deems appropriate, and, accordingly, shall define specific instances where the sanctions permitted pursuant to this subsection shall not apply.
 - (2) A professional who fails to file a claim within 180 days and whose claim for payment has been denied by the third party payer in accordance with this subsection may, in the discretion of a judge of the Superior Court, be permitted to refile the claim if the third party payer has not been substantially prejudiced thereby. Application to the court for permission to refile a claim shall be made within 14 days of notification of denial of payment and shall be made upon motion based upon affidavits showing sufficient reasons for the failure to file the claim with the third party payer within 180 days.
- c. The provisions of this section shall not apply to any claims filed pursuant to P.L.1972, c. 70 (C.39:6A-1 et seq.).
- d. A health care professional who violates the provisions of subsection a. of this section may be subject to a civil penalty of \$250 for each violation plus \$50 for each day after the 60th day that the provider fails to submit a claim. The penalty shall be sued for and collected by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

45:1-11. Violations; penalty

Any person violating this act shall be guilty of a misdemeanor.

45:1-12. Podiatrist, optometrist or psychologist or professional service corporation; charge for completion of claim form for health insurance; fine; collection and enforcement

No podiatrist, optometrist or psychologist and no professional service corporation engaging in the

practice of podiatry, optometry or psychology in this State shall charge a patient an extra fee for services rendered in completing a medical claim form in connection with a health insurance policy. Any person violating this act shall be subject to a fine of \$100.00 for each offense.

Such penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.). The Superior Court and municipal court shall have jurisdiction within its territory of such proceedings. ¶ Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the State Board of Medical Examiners with respect to podiatrists, the New Jersey State Board of Optometry for optometrists or the State Board of Psychological Examiners for psychologists.

45:1-13. Repealed by L.1999, c. 403, § 12, eff. Jan. 18, 2000

45:1-14. Legislative findings and declarations; liberal construction of act

The Legislature finds and declares that effective implementation of consumer protection laws and the administration of laws pertaining to the professional and occupational boards located within the Division of Consumer Affairs require uniform investigative and enforcement powers and procedures and uniform standards for license revocation, suspension and other disciplinary proceedings by such boards. This act is deemed remedial, and the provisions hereof should be afforded a liberal construction.

45:1-15. Boards and professions or occupations regulated by or through such boards; application of act

The provisions of this act shall apply to the following boards and all professions or occupations regulated by, through or with the advice of those boards: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, the State Board of Physical Therapy Examiners, the Professional Counselor Examiners Committee, the New Jersey Cemetery Board, the Orthotics and Prosthetics Board of Examiners, the Occupational Therapy Advisory Council, the Electrologists Advisory Committee, the Alcohol and Drug Counselor Committee, the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee, the Home Inspection Advisory Committee, the Massage, Bodywork and Somatic Therapy Examining Committee, and the Audiology and Speech-Language Pathology Advisory Committee.

45:1-15.1. Rules and regulations

Consistent with their enabling acts, P.L.1978, c. 73 (C.45:1-14 et seq.) and the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.), the boards and others set forth in section 2 of P.L.1978, c. 73 (C.45:1-15) are authorized to adopt rules and regulations to serve the public health, safety and welfare.

45:1-16. Definitions

As used within this act the following words or terms shall have the indicated definition unless the context clearly indicates otherwise.

“Board” means any professional or occupational licensing board designated in section 2 of this act.¹

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Person” means any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trust thereof.

¹N.J.S.A. § 45:1-15.

45:1-17. Powers of Attorney General to implement act and administer law enforcement activities of boards

In implementing the provisions of this act and administering the law enforcement activities of those professional and occupational boards located within the Division of Consumer Affairs, the Attorney General may:

- a. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate rules and regulations consistent with the provisions of this act and the Administrative Procedure Act, P.L.1968, c. 410 (C. 52:14B-1 et seq.) governing the procedure for administrative hearings before all boards within the Division of Consumer Affairs. Such rules and regulations shall govern administrative complaints, answers thereto, issuance of subpoenas, appointment of hearing examiners, adjournments, submission of proposed findings of fact and conclusions of law, the filing of briefs, and such other procedural aspects of administrative hearings before the boards as the Attorney General may deem necessary; provided, however, nothing herein authorized shall be construed to require the Attorney General to promulgate rules regarding prehearing investigative procedures.
- b. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate substantive rules and regulations consistent with the provisions of any statute governing the activities of any licensing agency, board or committee located within the Division of Consumer Affairs, which shall be limited to disciplinary matters and arbitrary restrictions on initial licensure. In addition to promulgating such rules and regulations, the Attorney General may direct that any proposed or existing regulation be amended, abandoned or repealed. Prior to the final adoption of any regulation affecting the activities of any professional or occupational licensing agency, board or committee located within the division and prior to the issuance of any directive to amend, abandon or repeal any regulation, the Attorney General or his designee shall first consult with the agency, board or committee whose activities are affected regarding the proposed action.
- c. After a full consideration of all relevant facts and the applicable law, may direct the initiation of any appropriate enforcement action by a professional or occupational licensing board or set

aside, modify or amend, as may be necessary, any action or decision of a licensing agency, board or committee located within the Division of Consumer Affairs; provided, however, no such action shall be directed by the Attorney General in reviewing the action or decision of an agency, board or committee unless such action or decision is contrary to applicable law.

45:1-18. Investigative powers of boards, director or attorney general

Whenever it shall appear to any board, the director or the Attorney General that a person has engaged in, or is engaging in any act or practice declared unlawful by a statute or regulation administered by such board, or when the board, the director or the Attorney General shall deem it to be in the public interest to inquire whether any such violation may exist, the board or the director through the Attorney General, or the Attorney General acting independently, may exercise any of the following investigative powers:

- a. Require any person to file on such form as may be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of any act or practice subject to an act or regulation administered by the board;
- b. Examine under oath any person in connection with any act or practice subject to an act or regulation administered by the board;
- c. Inspect any premises from which a practice or activity subject to an act or regulation administered by the board is conducted;
- d. Examine any goods, ware or item used in the rendition of a practice or activity subject to an act or regulation administered by the board;
- e. Examine any record, book, document, account or paper prepared or maintained by or for any professional or occupational licensee in the regular course of practicing such profession or engaging in such occupation or any individual engaging in practices subject to an act or regulation administered by the board. Nothing in this subsection shall require the notification or consent of the person to whom the record, book, account or paper pertains, unless otherwise required by law;
- f. For the purpose of preserving evidence of an unlawful act or practice, pursuant to an order of the Superior Court, impound any record, book, document, account, paper, goods, ware, or item used, prepared or maintained by or for any board licensee in the regular course of practicing such profession or engaging in such occupation or any individual engaging in a practice or activity subject to an act or regulation administered by the board. In such cases as may be necessary, the Superior Court may, on application of the Attorney General, issue an order sealing items or material subject to this subsection; and
- g. Require any board licensee, permit holder or registered or certified person to submit to an assessment of skills to determine whether the board licensee, permit holder or registered or certified person can continue to practice with reasonable skill and safety.

In order to accomplish the objectives of this act or any act or regulation administered by a board, the Attorney General may hold such investigative hearings as may be necessary and the board, director or Attorney General may issue subpoenas to compel the attendance of any person or the production of books, records or papers at any such hearing or inquiry.

45:1-19. Failure or refusal to file statement or report, refusal of access to premises or failure to obey subpoena; penalty

If any person shall fail or refuse to file any statement or report or refuse access to premises from which a licensed profession or occupation is conducted in any lawfully conducted investigative matter or fail to obey a subpoena issued pursuant to this act, the Attorney General may apply to the Superior Court and obtain an order:

- a. Adjudging such person in contempt of court; or
- b. Granting such other relief as may be required; or
- c. Suspending the license of any such person unless and until compliance with the subpoena or investigative demand is effected.

45:1-20. Compelling testimony or production of book, paper or document; immunity from prosecution

If any person shall refuse to testify or produce any book, paper, or other document in any proceeding under this act for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, convict him of a crime, or subject him to a penalty or forfeiture, and shall, notwithstanding, be directed to testify or to produce such book, paper, or document by the Attorney General, he shall comply with such direction.

A person who is entitled by law to, and does assert such privilege, and who complies with such direction of the Attorney General shall not thereafter be prosecuted or subjected to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury or false swearing committed by him in giving such testimony or from any civil or administrative action arising from such testimony.

45:1-21. Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions

A board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license:

- a. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;
- b. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- c. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;
- d. Has engaged in repeated acts of negligence, malpractice or incompetence;
- e. Has engaged in professional or occupational misconduct as may be determined by the board;
- f. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the board. For the purpose of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

- g. Has had his authority to engage in the activity regulated by the board revoked or suspended by any other state, agency or authority for reasons consistent with this section;
- h. Has violated or failed to comply with the provisions of any act or regulation administered by the board;
- i. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
- j. Has repeatedly failed to submit completed applications, or parts of, or documentation submitted in conjunction with, such applications, required to be filed with the Department of Environmental Protection;
- k. Has violated any provision of P.L.1983, c. 320 (C.17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L.1983, c. 320 (C.17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;
- l. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. ¶For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;
- m. Has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, or where the applicant or holder knew or should have known that the substances were to be used for unauthorized consumption or distribution;
- n. Has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration or certification is required by the board, or aided and abetted an unlicensed person or entity in performing such an act;
- o. Advertised fraudulently in any manner.

The division is authorized, for purposes of facilitating determinations concerning licensure eligibility, to require the fingerprinting of each applicant in accordance with applicable State and federal laws, rules and regulations. Each applicant shall submit the applicant's name, address, and written consent to the director for a criminal history record background check to be performed. The division is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation. Upon receipt of such notification, the division shall forward the information to the appropriate board which shall make a determination regarding the issuance of licensure. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check, unless otherwise provided for by an individual enabling act. The Division of State

Police shall promptly notify the division in the event an applicant or licensee, who was the subject of a criminal history record background check pursuant to this section, is convicted of a crime or offense in this State after the date the background check was performed.

For purposes of this act:

"Completed application" means the submission of all of the information designated on the checklist, adopted pursuant to section 1 of P.L.1991, c. 421 (C.13:1D-101), for the class or category of permit for which application is made.

“Permit” has the same meaning as defined in section 1 of P.L.1991, c. 421 (C.13:1D-101).

45:1-21.1. Annual summary of compliance information and attendance at continuing education seminars; costs; information deemed public records

- a. A board obtaining information from the Department of Environmental Protection pursuant to section 1 of P.L.1991, c. 418 (C. 13:1D-110) on the compliance of a member of a regulated profession with the requirements for completed applications of the department, shall annually develop a detailed written summary of the information gathered by the department pursuant to P.L.1991, c. 418 (C. 13:1D-110) regarding compliance with the department’s requirements for completed applications and attendance records for continuing education seminars required to be filed with the department pursuant to section 2 of P.L.1991, c. 419 (C. 13:1D-117).
- b. Any reasonable costs incurred in preparation of the report required pursuant to this section may be included in the charges authorized pursuant to P.L.1974, c. 46 (C. 45:1-3.2).
- c. Information required to be compiled by a board pursuant to this section, shall be deemed to be public records subject to the requirements of P.L.1963, c. 73 (C. 47:1A-1 et seq.).

45:1-21.2. Suspension of certain licenses; hearing

The director or a board shall suspend, as appropriate, after a hearing, the license, registration or certification of any person who has been certified by a lender or guarantor and reported to the director or the board, as the case may be, for nonpayment or default of a State or federal direct or guaranteed educational loan. The license, registration or certification shall not be reissued until the person provides the director or board with a written release issued by the lender or guarantor stating that the person has cured the default or is making payments on the loan in accordance with a repayment agreement approved by the lender or guarantor. If the person has continued to meet all other requirements for licensure, registration or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director or the board may impose.

45:1-21.3. Licensed health care professionals; penalties for violation of § 30:6D-5.3

A health care professional licensed or otherwise authorized to practice as a health care professional pursuant to Title 45 of the Revised Statutes who violates the provisions of section 3 of P.L.2003, c. 191 (C.30: 6D-5.3) shall, in addition to being liable to a civil penalty pursuant to section 4 of P.L.2003, c. 191 (C.30:6D-5.4), be subject to revocation of that individual’s professional license or other authorization to practice as a health care professional by the appropriate licensing board in the Division of Consumer Affairs in the Department of Law and Public Safety, after appropriate notice and opportunity for a hearing.

45:1-22. Additional or alternative penalties to revocation, suspension or refusal to renew; temporary order suspending or limiting license; subpena

In addition or as an alternative, as the case may be, to revoking, suspending or refusing to renew any license, registration or certificate issued by it, a board may, after affording an opportunity to be heard:

- a. Issue a letter of warning, reprimand, or censure with regard to any act, conduct or practice which in the judgment of the board upon consideration of all relevant facts and circumstances does not warrant the initiation of formal action;

- b. Assess civil penalties in accordance with this act;
- c. Order that any person violating any provision of an act or regulation administered by such board to cease and desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board;
- d. Order any person found to have violated any provision of an act or regulation administered by such board to restore to any person aggrieved by an unlawful act or practice, any moneys or property, real or personal, acquired by means of such act or practice; provided, however, no board shall order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating the act or regulation administered by the board;
- e. Order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or such other professional treatment as may be necessary to properly discharge licensee functions;
- f. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to any medical or diagnostic testing and monitoring or psychological evaluation which may be required to evaluate whether continued practice may jeopardize the safety and welfare of the public;
- g. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to take and successfully complete educational training determined by the board to be necessary;
- h. Order any person, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to submit to any supervision, monitoring or limitation on practice determined by the board to be necessary.

A board may, upon a duly verified application of the Attorney General that either provides proof of a conviction of a court of competent jurisdiction for a crime or offense involving moral turpitude or relating adversely to the regulated profession or occupation, or alleges an act or practice violating any provision of an act or regulation administered by such board, enter a temporary order suspending or limiting any license issued by the board pending plenary hearing on an administrative complaint; provided, however, no such temporary order shall be entered unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order. If, upon review of the Attorney General's application, the board determines that, although no palpable demonstration of a clear and imminent danger has been made, the licensee's continued unrestricted practice pending plenary hearing may pose a risk to the public health, safety and welfare, the board may order the licensee to submit to medical or diagnostic testing and monitoring, or psychological evaluation, or an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety.

In any administrative proceeding commenced on a complaint alleging a violation of an act or regulation administered by a board, such board may issue subpoenas to compel the attendance of witnesses or the production of books, records, or documents at the hearing on the complaint.

45:1-23. Summary proceeding in Superior Court; injunction; orders necessary to prevent unlawful practice or remedy past unlawful activity

Whenever it shall appear to a board, the director or the Attorney General that a violation of any act, including the unlicensed practice of the regulated profession or occupation, or regulation administered by such board has occurred, is occurring, or will occur, the Attorney General, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting such act or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of this act, order restoration to any person in interest of any moneys or property, real or personal, acquired by means of an unlawful act or practice and may enter such orders as may be necessary to prevent the performance of an unlawful practice in the future and to fully remedy any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license issued by a board.

45:1-24. Failure to comply with order of board directing payment of penalties or restoration of moneys or property; enforcement

Upon the failure of any person to comply within 10 days after service of any order of a board directing payment of penalties or restoration of moneys or property, the Attorney General or the secretary of such board may issue a certificate to the Clerk of the Superior Court that such person is indebted to the State for the payment of such penalty and the moneys or property ordered restored. A copy of such certificate shall be served upon the person against whom the order was entered. Thereupon the clerk shall immediately enter upon his record of docketed judgments the name of the person so indebted and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty imposed, and amount of moneys ordered restored, a listing of property ordered restored, and the date of the certification. Such entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court, and the Attorney General shall have all rights and remedies of a judgment creditor in addition to exercising any other available remedies. Such entry, however, shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court from the board's order.

An action to enforce the provisions of any order entered by a board or to collect any penalty levied thereby may be brought in any municipal court or the Superior Court in summary manner pursuant to the Penalty Enforcement Act, (N.J.S. 2A:58-1 et seq.) and the rules of court governing the collection of civil penalties. Process in such action shall be by summons or warrant, and in the event that the defendant fails to answer such action, the court shall issue a warrant for the defendant's arrest for the purpose of bringing such person before the court to satisfy any order entered.

45:1-25. Violations; civil penalty; action to collect or enforce

- a. Any person who engages in any conduct in violation of any provision of an act or regulation administered by a board shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than \$10,000 for the first violation and not more than \$20,000 for the second and each subsequent violation. For the purpose of construing this section, each act in violation of any provision of an act or regulation administered by a board shall constitute a separate violation and shall be deemed a second or subsequent violation under the following circumstances:
 - (1) an administrative or court order has been entered in a prior, separate and independent proceeding;

- (2) the person is found within a single proceeding to have committed more than one violation of any provision of an act or regulation administered by a board; or
 - (3) the person is found within a single proceeding to have committed separate violations of any provision of more than one act or regulation administered by a board.
- b. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of any board for the collection or enforcement of civil penalties for the violation of any provision of an act or regulation administered by such board. Such action may be brought in summary manner pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c. 274 (C.2A:58-10 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court where the offense occurred. Process in such action may be by summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant’s arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice.
 - c. Any action alleging the unlicensed practice of a profession or occupation shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court.
 - d. In any action brought pursuant to this act, a board or the court may order the payment of costs for the use of the State, including, but not limited to, costs of investigation, expert witness fees and costs, attorney fees and costs, and transcript costs.

45:1-26. Repeal of inconsistent acts and parts of acts

All acts and parts of acts inconsistent with this act are hereby superseded and repealed.

45:1-27. Severability

If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

CHAPTER 4B. BUILDING DESIGN SERVICES

45:4B-1. Short title

This act shall be known and may be cited as the “Building Design Services Act.”

45:4B-2. Legislative findings and declarations

The Legislature finds and declares that there is an area of concurrent practice between the practice of architecture and the practice of engineering, specifically in the area of building design. In order to eliminate uncertainty and provide for the resolution of future disputes in the area of concurrence, the Legislature declares that it is in the public interest to create a Joint Committee of Architects and Engineers to receive referrals from the New Jersey State Board of Architects and the State Board of Professional Engineers and Land Surveyors; conduct investigations to determine violations of this act; conduct, at its discretion, hearings; communicate its findings in writing; and issue declaratory rulings on the use group classifications contained in section 7 of this act.¹

Nothing herein, except as provided in section 5 of this act,² shall be deemed to preempt the ultimate decision making authority of the boards.

It is also the Legislature’s intent to provide for contracting between architects and engineers without compromising the integrity of either profession.

This act is declared remedial except that the powers and duties of the committee shall be limited to those contained in section 5 of this act.

¹N.J.S.A. § 45:4B-7.

²N.J.S.A. § 45:4B-5.

45:4B-3. Definitions

For the purposes of this act:

- a. “Architectural project” means any building or structure the plans for which may be prepared, designed, signed, and sealed by a licensed architect pursuant to section 7 of this act.¹
- b. “Boards” means the New Jersey State Board of Architects and the State Board of Professional Engineers and Land Surveyors.
- c. “Closely allied professional” means and is limited to licensed architects, professional engineers, land surveyors, professional planners, and certified landscape architects.
- d. “Engineering project” means a building or structure the plans for which may be prepared, designed, signed, and sealed by a professional engineer pursuant to section 7 of this act.
- e. “Engineering systems” means those systems necessary for the proper function of a building and surrounding site, the proper design of which requires engineering knowledge acquired through engineering or architectural training and experience. These systems include but are not limited to structural, electrical, heating, lighting, acoustical, ventilation, air conditioning, grading, plumbing and drainage. Drainage facilities for sites of 10 acres or more or involving storm water detention facilities or traversed by a water course shall only be designed by a professional engineer.
- f. “Joint committee” means the Joint Committee of Architects and Engineers created pursuant to section 4 of this act²

- g. “Owner” means any person, agent, firm, partnership or corporation having a legal or equitable interest in the property or any agent acting on behalf of such individuals or entities.
- h. “Practice of architecture” or “architectural services” means the rendering of services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, specifications, other technical documentation, and administration of construction for the purpose of determining compliance with drawings and specifications.
- i. “Practice of engineering” or “engineering services” means any service or creative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of this act. The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment.
- j. “Responsible charge” means the rendering of regular and effective supervision by a competent licensed architect or professional engineer as appropriate to those individuals performing services which directly and materially affect the quality and competence of professional work rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:
 - (1) The regular and continuous absence from principal office premises from which professional services are rendered, except for the performance of field work or presence in a field office maintained exclusively for a specific project;
 - (2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;
 - (3) The rendering of a limited, cursory or perfunctory review of plans for a building or structure in lieu of an appropriate detailed review; and
 - (4) The failure to personally be available on a reasonable basis or with adequate advanced notice for consultation and inspection where circumstances require availability.

¹N.J.S.A. § 45:4B-7.

²N.J.S.A. § 45:4B-4.

45:4B-4. Joint committee of architects and engineers; members; appointment; alternate members; quorum; meetings; compensation

There is created in the Division of Consumer Affairs in the Department of Law and Public Safety a Joint Committee of Architects and Engineers which shall consist of five members, two of whom shall be licensed architect members of the New Jersey State Board of Architects, two of whom shall be professional engineer members of the State Board of Professional Engineers and Land Surveyors and one of whom shall be appointed by the Governor.

The professional members shall be appointed by their respective board presidents with the advice and consent of a majority of their respective boards. They shall serve at the discretion of their respective boards during their terms of office.

The gubernatorial appointment shall be a resident of this State with experience as an arbitrator and shall not be a licensed architect, professional engineer, or a closely allied professional. The gubernatorial appointment shall serve from the date of appointment for a term of five years and shall not serve for more than two consecutive terms. The gubernatorial appointment may be removed for cause by the Governor.

An alternate member shall be chosen from each board in the same manner as the professional members. An alternate member may represent the appointing board when a professional member is absent from a joint committee meeting. While acting in this capacity the alternate member shall enjoy all the rights and privileges of a voting professional member.

The gubernatorial appointment with an equal number of architect and engineer professional members present shall constitute a quorum. No joint committee business shall be conducted without a quorum.

The joint committee shall meet at least six times a year, except that it shall meet no less than once every two months.

The joint committee members shall be entitled to receive per diem fees and expenses equivalent to fees paid to members of the professional and occupational licensing boards pursuant to section 2 of P.L.1977, c. 285 (C.45:1-2.5).

The cost of operation of the joint committee shall be borne equally by the boards which shall adopt such fees by regulation as are necessary to fund such operation.

45:4B-5. Powers and duties

The joint committee shall have the following powers and duties:

- a. To investigate, within a reasonable period of time, any alleged violation of this act referred by the boards.
- b. To conduct, at its discretion, investigative hearings on any alleged violation of this act referred by the boards.
- c. To notify the boards, in writing, if in a particular matter, it finds that no violation of this act has occurred. In the event such a finding is made, no further action shall be taken with respect to that particular matter by either board or the joint committee.
- d. To notify the boards, in writing, if in a particular matter, it finds that a violation of this act has occurred. In the event of such a finding the board possessing authority to discipline the licensee or other regulated entity found to have violated this act shall either initiate disciplinary action,

or where in its determination the basis for the joint committee's finding is insufficient, refer the matter back to the joint committee for further investigation and evaluation.

- e. To determine, by regulation, the assignment of use group classification established pursuant to section 7 of this act¹ for any building or structure not contemplated within the use groups or whose classification is not reasonably ascertainable.
- f. To issue declaratory rulings with regard to determining a building or structure's primary use group classification for the purpose of determining if such building or structure is an architectural or engineering project, or both. Requests for declaratory rulings shall be submitted to the joint committee by either of the boards. The joint committee may issue a declaratory ruling which shall bind the boards and all parties to the proceeding on the state of the facts alleged. That ruling shall be deemed a final decision or action subject to review in the Appellate Division of the Superior Court.
- g. To promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.) to carry out the purposes of this act.

¹N.J.S.A. § 45:4B-7.

45:4B-6. Evaluation of complaint, question or controversy involving application of act

Any complaint, question, or controversy involving the application of this act may be referred to the joint committee for evaluation and such action as may be authorized herein. The boards shall provide any and all documents in their possession regarding any matter referred to the joint committee and shall, where necessary and appropriate, exercise the investigation or enforcement power conferred by law in order to aid and assist the joint committee in its functions.

No joint committee member shall be disqualified from any board deliberation or action solely by reason of that member's having participated in joint committee activity.

45:4B-7. Classification of buildings and structures by use into use groups

- a. For the purposes of this act, buildings and structures are classified by their use into use groups as determined by the BOCA National Building Code. The following chart based on the BOCA National Building Code⁶ 1987, tenth edition, designates projects by use groups and sets forth those which may be designed, prepared, signed, and sealed by licensed architects and professional engineers, or both, as indicated. In the event that the BOCA National Building Code's provisions are altered in subsequent editions nothing herein contained shall be deemed to be altered.

BUILDING DESIGN CATEGORIES

BOCA UseGroup Classification	Architects May Design	Engineers May Design
A—Assembly	AllA—5 Outdoor	Assembly use or as an incidental use.
B—Business	All	None other than Note 1 or as an incidental use
E—Educational	All	None except for an incidental use
F—Factory and Industrial	All	All
H—High Hazard	All	All
I—Institutional	All	None except for an incidental use
M—Mercantile	All	None except for an incidental use
R—Residential	All	None except for an incidental use
S—Storage	All	All
U—Utility	AllExcept an Engineering Work	All

Note 1. Professional engineers may design the following projects within the B Use group:

- (a) Car wash facilities;
 - (b) Materials testing laboratories; and,
 - (c) Telephone exchanges and data processing relay or equipment facilities.
- b. An engineering work such as a sewage or water treatment plant, power plant, or transportation system, shall be prepared, designed, signed, and sealed by a professional engineer only.
 - c. Professional engineers may prepare, design, sign and seal buildings or portions of buildings in a non-permitted use group classification only as an incidental use.

A portion of a building shall be deemed to be an incidental use where the portion is an ancillary part of an engineering project and the building or portion is of a building design category prohibited to engineers. The area of the incidental use shall not constitute more than 10% of the building's total floor area or 2000 square feet whichever is greater.

In the design of traditional engineering works projects such as sewage or water treatment plants, power plants or transportation systems, the area of the incidental use shall not constitute more than 10% of the total square footage of all structures in the project, or 2000 square feet, whichever is greater. Where public access is a primary consideration in buildings such as transportation terminals, railroad stations, or administration buildings, those buildings shall be designed by architects only.

45:4B-8. Provision of architectural and engineering services by sole proprietor or business association authorized to render engineering services; contract; conditions

A sole proprietor or business association, which may by law render or offer to render engineering services shall enter into a contract with an owner to provide architectural and engineering services under the following conditions:

- a. The contract with the owner is in writing and provides for a coordinated rendering of architectural and engineering services.
- b. Architectural services shall be provided pursuant to a separate, written, independent subcontract which clearly delineates the responsibility of the licensed architect or business association and the contracting entity.
- c. Any subcontract for the providing of architectural services pursuant to this act shall provide that:
 - (1) The licensed architect or business association shall render such services as an independent professional and not as an employee of a sole proprietor or business association which may by law provide or offer to provide engineering services.
 - (2) The licensed architect shall exercise independent professional judgment consistent with accepted standards of the practice of architecture with regard to the project as its circumstances may dictate.
- d. A professional engineer may design any engineering additions to an architectural project.
- e. Corporations subject to the requirements of subsection a. of section 7 of P.L.1989 c. 276 (C.45:8-56) shall, in addition to the requirements provided therein, be subject to the following:

- (1) At least two thirds of the directors shall be professional engineers; and
- (2) A minimum of 20% of the shares shall be owned by professional engineers.

45:4B-9. Provision of architectural and engineering services by sole proprietor or business association authorized to render architectural services; contract; conditions

A sole proprietor or business association, which may by law render or offer to render architectural services, shall enter into a contract with an owner to provide architectural and engineering services under the following conditions:

- a. The contract with the owner is in writing and provides for a coordinated rendering of architectural and engineering services.
- b. Engineering services shall be provided pursuant to a separate, written, independent subcontract which clearly delineates the responsibility of the professional engineer or business association and the contracting entity.
- c. Any subcontract for the providing of engineering services pursuant to this act shall provide that:
 - (1) The professional engineer or business association shall render services contracted for as an independent professional and not as an employee of a sole proprietor or business association which may by law provide or offer to provide architectural services.
 - (2) The professional engineer shall exercise independent professional judgment consistent with accepted standards of the practice of engineering with regard to the project as its circumstances may dictate.
- d. A licensed architect may design any architectural additions to an engineering work.

45:4B-10. Design of engineering systems in connection with architectural project by architect; conditions

A licensed architect shall provide the design of engineering systems in connection with an architectural project under either of the following conditions:

- a. The engineering systems are designed within the architect's office and the work is done under the responsible charge of a licensed architect or a professional engineer. Where such work is done under the responsible charge of a licensed architect, the architect shall sign and seal all plans and specifications. If the architect designates a professional engineer to be in responsible charge of all or a portion of the design of the engineering systems, the professional engineer shall sign and seal all such engineering designs; or
- b. All or a portion of the engineering systems are designed outside the architect's office under a subcontract with a professional engineer who is in responsible charge of the work. The contract shall be in writing and provide that the professional engineer shall exercise independent professional judgment consistent with accepted standards of engineering with regard to the project as its circumstances may dictate. This work product shall be submitted by said engineer:
 - (1) On drawings with the engineer's title block, properly signed and sealed;
 - (2) In report or specification form, appropriately identified, signed, and sealed;
 - (3) In letter form properly signed;

- (4) In any other form as is consistent with the assignment.

45:4B-11. Records of licensee

A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of any professional services of which he or she was in responsible charge.

45:4B-12. Prohibition of use of title “architect” or description “architectural services” by engineer

Notwithstanding the provisions of this act, an individual or business association, which may by law practice engineering, but not architecture, shall not use the title architect or advertise or use any title, sign, card or device to indicate that that sole proprietor or business association may perform architectural services. A sole proprietor or business association in advertising or offering to perform services pursuant to section 7 or 8 of this act,¹ shall designate or describe those services as “building design services” or the substantial equivalent but shall not utilize the term “architectural services” or its substantial equivalent.

¹N.J.S.A. §§ 45:4B-7 or 45:4B-8.

45:4B-13. Prohibition of use of title “engineer” or description “engineering services” by architect

Notwithstanding the provisions of this act, a sole proprietor or business association, which may by law practice architecture, but not engineering, shall not use the title engineer or advertise or use any title, sign, card or device to indicate that that sole proprietor or business association may perform engineering services. That sole proprietor or business association in advertising or offering to perform services pursuant to section 7 or 9 of this act,¹ shall designate or describe such services as “works facilities design” or the substantial equivalent but shall not utilize the term “engineering services” or its substantial equivalent.

¹N.J.S.A. §§ 45:4B-7 or 45:4B-9.

45:4B-14. Violations; discipline or penalties

- a. Consistent with section 5 of this act,¹ any licensed architect who, or business association authorized to offer architectural services which, violates this act shall be disciplined by the New Jersey State Board of Architects. Such a violation shall be deemed professional misconduct. Any professional engineer who, or business association authorized to offer engineering services which, violates this act shall be disciplined by the State Board of Professional Engineers and Land Surveyors. Such a violation shall be deemed professional misconduct.
- b. Any violation of this act by an unlicensed individual or unauthorized business association shall be disciplined by the New Jersey State Board of Architects pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of architecture. However, the design of an engineering work by an unlicensed individual or unauthorized business association shall be disciplined by the State Board of Engineers and Land Surveyors pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of engineering.

¹N.J.S.A. § 45:4B-5.

CHAPTER 8. ENGINEERS, PROFESSIONAL, AND LAND SURVEYORS

45:8-1 to 45:8-26. Repealed by L.1938, c. 342, § 23 [§ 45:8-49]

45:8-27. License required; display of license; exceptions; corporations, firms, partnerships and associations

In order to safeguard life, health and property, and promote the public welfare, any person practicing or offering to practice professional engineering or professional land surveying in this State shall hereafter be required to submit evidence that he is qualified so to practice and shall be licensed as hereinafter provided. After the date upon which this chapter becomes effective, it shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, or to use the title professional engineer or land surveyor or any other title, sign, card or device in such manner as to tend to convey the impression that such person is practicing engineering or land surveying or is a professional engineer or land surveyor, unless such person is duly licensed under the provisions of this chapter. Every holder of a license shall display it in a conspicuous place in his principal office, place of business or employment.

No corporation, firm, partnership or association shall be granted a license under this chapter; however, certain corporations shall be required to obtain a certificate of authorization as provided pursuant to P.L.1989, c. 276 (C. ÖÖ). No corporation, firm, partnership or association shall use or assume a name involving the word “engineers” or “engineering” or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership or association, shall be a licensed professional engineer of the State of New Jersey.

No corporation, firm, partnership or association shall use or assume a name involving the words “surveyors,” “land surveyors,” “surveying,” or “land surveying,” or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership, or association, shall be a licensed land surveyor of the State of New Jersey.

No corporation, firm, partnership or association shall practice or offer to practice engineering or land surveying in this State unless the person or persons in responsible charge of engineering or land surveying work shall be so licensed to practice in this State. The person or persons carrying on the actual practice of professional engineering or land surveying on behalf of or designated as “engineers” or “surveyors” or “professional engineers” or “land surveyors,” with or without qualifying or characterizing words, by any such corporations, firms, partnerships or associations, shall be licensed to practice professional engineering or land surveying as provided in this chapter.

Services constituting the practice of professional engineering shall not be rendered or offered through any business association other than a sole proprietorship of a professional engineer, a partnership of professional engineers, a partnership of closely allied professionals including at least one professional engineer, a professional service corporation established pursuant to the “Professional Service Corporation Act,” P.L.1969, c. 232 (C. 14A:17-1 et seq.) or a corporation authorized pursuant to P.L.1989, c. 276 (C.....).

Services constituting the practice of land surveying shall not be rendered or offered through any business association other than a sole proprietorship of a land surveyor, a partnership of land surveyors, a partnership of closely allied professionals including at least one land surveyor, a professional service corporation established pursuant to the “Professional Service Corporation Act,” P.L.1969, c. 232 (C. 14A:17-1 et seq.) or a corporation authorized pursuant to P.L.1989, c. 276 (C. 45:8-56 et al.).

Nothing in this act shall be construed as required licensing for the purpose of practicing professional engineering or land surveying by any person, firm, or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety, public health or public welfare.

45:8-28. Definitions

- (a) The term “professional engineer” within the meaning and intent of this chapter shall mean a person who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined as attested by his license as a professional engineer.
- (b) The terms “practice of engineering” or “professional engineering” within the meaning and intent of this chapter shall mean any service or creative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of the “Building Design Services Act.” P.L.1989, c. 277 (C. 45:4B-7).

The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title utilizing or including the word engineer, implies that he is a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service recognized by the board as professional engineering.

Nothing herein shall prohibit licensed architects from providing or offering services consistent with the “Building Design Services Act,” P.L.1989, c. 277 (C. 45:4B-1 et seq.).

- (c) The term “engineer-in-training” as used in this chapter shall mean a person who is a potential candidate for license as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental engineering subjects, as defined elsewhere herein.

- (d) The term ““land surveyor”” as used in this chapter shall mean a person who is a professional specialist in the technique of measuring land, educated in the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law, all requisite to the practice of land surveying as attested by his license as a land surveyor.
- (e) The term ““practice of land surveying”” within the meaning and intent of this chapter shall mean any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law to the act of measuring and locating distances, directions, elevations, natural and man-made topographical features in the air, on the surface of the earth, within underground workings, and on beds of bodies of water for the purpose of determining areas and volumes, and for the establishing of horizontal and vertical control as it relates to construction stake-out, for the monumentation of property boundaries and for the platting and layout of lands and subdivisions thereof and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions in manual and computer coded form that represent these surveys. The practice of land surveying shall include the establishment and maintenance of the base mapping and related control for land information systems that are developed from the above referenced definition of the practice of land surveying.

For purposes of this subsection, “land information systems” means any computer coded spatial database designed for multi-purpose public use developed from or based on property boundaries.

A person who engages in the practice of land surveying; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a land surveyor or professional surveyor; or who represents himself as able to perform any land surveying service or work or any service which is recognized as within the practice of land surveying shall be deemed to practice or offer to practice land surveying.

Nothing in this chapter shall preclude a person licensed by the board as a professional engineer from performing those measurements necessary for the design, construction stake-out, construction and post-construction records of an engineering project, provided that these measurements are not related to property lines, lot lines, easement lines, or right-of-way lines, the establishment of which are required to be made by a land surveyor.

- (f) The term ““board”” as used in this chapter shall mean the State Board of Professional Engineers and Land Surveyors.
- (g) The term ““responsible charge”” as used in this chapter shall mean the rendering of regular and effective supervision by a competent professional engineer or land surveyor to those individuals performing services which directly and materially affect the quality and competence of the professional services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:
 - (1) The regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project;
 - (2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

- (3) The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of an appropriate detailed review;
- (4) The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.
- (h) The term ““certificate of authorization” shall mean a certificate issued by the board pursuant to this amendatory and supplementary act.
- (i) The term ““joint committee” shall mean the Joint Committee of Architects and Engineers established pursuant to the ““Building Design Services Act,” P.L.1989, c. 277 (C. 45:4B-1 et seq.).
- (j) The term ““closely allied professional” as used in this chapter shall mean and is limited to licensed architects, professional engineers, land surveyors, and professional planners.
- (k) The term ““telecommunications” as used in this chapter, shall mean, as it is applied to the practice of engineering, subjects which deal with the generation, transmission, receiving, and processing of information bearing signals for the purpose of fulfilling a particular communication need. The most common forms of signals are those encountered in voice, image and data transmission. Subjects relevant to telecommunications include but are not limited to: analog and digital circuits, propagation of electromagnetic energy through guided media such as a transmission line, fibers, wave guides, and unguided media such as free space as in broadcast and mobile communication systems, communication theory, including modulation, noise interference, and the interface with computers.
- (l) The term ““surveyor-in-training” as used in this chapter shall mean a person who is a potential candidate for licensure as a land surveyor, who is a graduate in an approved surveying curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental surveying subjects, approved by the board pursuant to section 9 of P.L.1938, c. 342 (C. 45:8-35).

45:8-29. Examining board; appointment; term; member succeeding himself; vacancies; secretary-director; additional positions

To carry out the provisions of this chapter, there is hereby created an examining board for the licensing of professional engineers and land surveyors, and the certification of engineers-in-training, which board shall consist of ten members, two of whom shall be public members and one of whom shall be a State executive department member appointed pursuant to the provisions of P.L.1971, c. 60 (C. 45:1-2.1 et seq.). Each of the remaining seven members shall be appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate, within sixty days after the passage of this chapter, or as soon as practicable thereafter. The members of said board shall be appointed to serve for a term of five years, one of which shall expire each calendar year. The two members added by this 1985 amendatory act shall be appointed as soon as practicable by the Governor, with the advice and consent of the Senate, one for a term to end April 30 of the third year after appointment and one for a term to end April 30 of the fourth year after appointment. CThereafter, each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. A member of the board shall not be eligible to succeed himself more than once, except that the present members of the board shall be eligible to succeed themselves once hereafter. The terms of office of the members of said board shall commence on the first day of May. Vacancies in the membership of the board, however

created, shall be filled by appointment of the Governor, with the advice and consent of the Senate, for any unexpired term, and for each five-year term. Notwithstanding anything herein contained, the present members of the State board shall continue in office as members of said board until their present respective terms expire, except as provided elsewhere herein for removal.

To supervise all necessary administrative work of the board, there is hereby created the position of secretary-director to the board. The board shall appoint such a secretary-director, to serve for a term of five years, at a salary determined by the board. Duties of the secretary-director of the board shall be those defined by the board. The secretary-director of the board shall not be a member of the board.

The board may provide for the creation of additional positions, as deemed necessary to make effective the provisions of this act.

The board shall arrange through lease or otherwise to maintain suitable offices within the State of New Jersey for the conduct of the business of the board.

45:8-30. Name of board; qualifications of members; removal; compensation; expenses

Said board, when so appointed, shall be designated and known as the “State Board of Professional Engineers and Land Surveyors.”

All persons appointed to the said board shall be citizens of the United States and residents of the State of New Jersey. Appointees, other than the two public members and the State executive department member appointed pursuant to the provisions of P.L.1971, c. 60 (C. 45:1-2.1 et seq.) and the two appointees added pursuant to this 1985 amendatory act, shall have been licensed as professional engineers in New Jersey for a period of at least five years, at least one member of whom shall also be a licensed land surveyor and the two appointees added pursuant to this 1985 amendatory act and their successors shall have been licensed as professional land surveyors in this State for a period of at least five years.

The Governor may remove any member of the board after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Each member of the board shall receive \$50.00 for each day of actual service in attending meetings of the board at which business is transacted, and not to exceed \$1,000.00 a year for each member and, in addition, shall be reimbursed for all necessary expenses, incidental to their duties as members of said board, incurred in carrying out the provisions of this chapter.

45:8-31. Oath of members; filing; duty of Attorney General; powers of board; compelling compliance with subpoena

Each member of the examining board before entering upon the duties of his office, shall subscribe to an official oath of office as provided by section 41:1-3 of the Title, Oaths and Affidavits, of the Revised Statutes, which oath shall be filed in the office of the Secretary of State.

The examining board shall be entitled to the services of the Attorney-General in connection with the affairs of the board and the board shall have power to compel the attendance of witnesses, and any member thereof may administer oaths and the board may take testimony and proofs concerning any matters within its jurisdiction.

The board shall adopt and have an official seal.

In carrying into effect the provisions of this chapter, the board may, under the hand of its president and the seal of the board, subpoena witnesses and compel their attendance, and also may require the

production of books, papers, documents, et cetera, in a case involving the revocation of license or practicing or offering to practice without license. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers or documents, the board may apply ex parte to the Superior Court to compel the person to comply forthwith with the subpoena.

45:8-32. Organization of board; bond; quorum

Said examining board shall at its annual meeting to be held in May organize by electing a president and vice-president, who shall be members of the board.

The secretary-director shall furnish bond for the faithful performance of his duties in such sum as required by law. Premium for said bond shall be regarded as a proper and necessary expense of the board.

Said board shall meet at least every two months and special meetings may be held at such times as called by the president.

A majority of the voting members of the board shall constitute a quorum and no action of the board shall be taken except upon the affirmative vote of a majority of the members of the entire board.

45:8-33. Itemized account to be kept; report; filing; forwarding to Attorney-General

An itemized account of all receipts and expenditures of the board shall be kept by the said secretary-director and a detailed report thereof, verified by the affidavit of said secretary-director, shall be filed with the Director of Division of Budget and Accounting, Department of the Treasury, within twenty days after the close of the fiscal year. A copy of this report shall be forwarded also to the office of the Attorney-General, as head of the Department of Law and Public Safety.

45:8-34. Records; proceedings of examining board; applicants for licenses; evidence

The examining board shall keep a record of its proceedings and a record of all applicants for license, showing for each the date of application, name, age, education and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of license granted, and the date of such action.

The books and register of the examining board shall be prima facie evidence of all matters recorded therein. A public register showing the names and places of business and residences of all licensed professional engineers and land surveyors and engineers-in-training shall be prepared under the direction of the secretary-director during the month of June of each year; such public register shall be printed and a copy mailed to each licensee and a copy mailed to the clerk of each city, town, township, village, borough, county and other municipal corporation of this State, which public register shall be placed on file in the office of the said clerk.

45:8-35. Applications for license; contents; fees; qualifications; evidence of qualifications; examination

Applications for license as professional engineers shall be on forms prescribed and furnished by the board, shall contain statements under oath, showing the applicant's education and detailed statement of his engineering experience, and shall contain not less than five references, of whom three or more shall be licensed professional engineers having personal knowledge of the applicant's engineering experience.

The application fee for professional engineers shall be set by the board and shall accompany the application.

Applications for license as land surveyors shall be on forms prescribed and furnished by the board, shall contain statements under oath, showing the applicant's education and detailed statement of his land surveying experience, and shall contain not less than five references, of whom three or more shall be licensed land surveyors having personal knowledge of the applicant's land surveying experience.

The application fee for land surveyors shall be set by the board and shall accompany the application.

Applications for a certificate of registration as "engineer-in-training" shall be on forms prescribed and furnished by the board, shall be accompanied by a fee set by the board and shall contain the names of three references of whom at least one shall be a professional engineer having personal knowledge of the applicant's engineering education, experience or training.

Applications for a certificate of registration as "surveyor-in-training" shall be on forms prescribed and furnished by the board, shall be accompanied by a fee set by the board and shall contain the names of three references of whom at least one shall be a licensed land surveyor having personal knowledge of the applicant's surveying education, experience or training.

All application fees shall be retained by the board.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for a license as a professional engineer, or as a land surveyor, or for certificate of registration as an engineer-in-training or a surveyor-in-training, to wit:

- (1) As a professional engineer:
 - a. Graduation from a board approved curriculum in engineering of four years or more; a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing all parts of the written examination; or
 - b. Graduation from a board approved curriculum in engineering technology of four years or more; a specific record of an additional six years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing all parts of the written examination; or
 - c. Graduation from a board approved curriculum in engineering or engineering technology of four years or more; a specific record of an additional 15 years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing the specialized portion of the written examination which is designated as Part P; or
 - d. (Deleted by amendment, P.L.1989, c. 276.)
 - e. A certificate of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer; provided that the minimum requirements for examination and license by the issuing

agency in effect at the time of application to the issuing agency, which the applicant satisfied in order to qualify for examination by that issuing agency, are at least comparable to those same minimum requirements of the board which were in effect in this State at that time ; and provided that the applicant has not failed any portion of a nationally administered, two-day examination, required by the board, that was taken in order to receive licensure by the issuing agency.

(2) As a land surveyor:

- a. (i) Until December 31, 1990, successful completion of a board approved program in surveying in a school or college approved by the board as of satisfactory standing; an additional four years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written examination; or
- (ii) Effective January 1, 1991, graduation from a board approved curriculum in surveying of four years or more; an additional three years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of that work; and successfully passing all parts of the written examination; or
- b. Until December 31, 1990, successfully passing a written examination in surveying prescribed by the board; and a specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or
- c. (Deleted by amendment, P.L.1977, c. 340.)
- d. A certificate of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor; provided that the minimum requirements for examination and license by the issuing agency in effect at the time of application to the issuing agency, which the applicant satisfied in order to qualify for examination by that issuing agency, are at least comparable to those same minimum requirements of the board which were in effect in this State at that time; and provided that the issuing agency attests to the licensing criteria at the time of the applicant's original licensure in that jurisdiction, and the applicant receives a passing grade on the New Jersey specific portion of the current land surveying examination and any portions of a nationally administered two-day examination required by the board not already passed by the applicant.

(3) As an engineer-in-training:

- a. Graduation from a board approved curriculum in engineering or engineering technology of four years or more; and successfully passing the fundamentals portion of the written examination which is designated as Part F.
- b. (Deleted by amendment, P.L.1989, c. 276.)

(4) As a surveyor-in-training: Graduation from a board approved curriculum in land surveying of four years or more; and successfully passing the fundamentals portion of a board approved written examination.

Qualifications for professional engineers.

An applicant for license as a professional engineer shall be able to speak and write the English language. All applicants shall be of good character and reputation.

Completion of a master's degree in engineering shall be considered as equivalent to one year of engineering experience and completion of a doctor's degree in engineering shall be considered as equivalent to one additional year of engineering experience.

In considering the qualifications of applicants, engineering teaching experience may be considered as engineering experience for a credit not to exceed two years.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of construction of such work as a foreman or superintendent, or the observation of construction as an inspector or witness shall not be deemed to be experience in engineering work.

Any person having the necessary qualifications prescribed in this chapter to entitle him to a license shall be eligible for such license, although he may not be practicing his profession at the time of making the application.

A quorum of the examining board shall not be required for the purpose of passing upon the issuance of a license to any applicant; provided that no action on any application shall be taken without at least three votes in accord.

Engineering experience of a character satisfactory to the board shall be determined by the board's evaluation of the applicant's experience relative to the ability to design and supervise engineering projects and works so as to insure the safety of life, health and property.

The scope of the examination for professional engineering and methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering projects and works so as to insure the safety of life, health and property. An examination shall be given for the purpose of determining the qualifications of applicants for license in professional engineering. A candidate failing an examination may apply for reexamination to the extent permitted by regulations of the board. Subsequent examinations will require the payment of fees set by the board. The board shall schedule at least two examinations per year, with dates and places to be determined by the board.

Examinations of applicants for license as professional engineers will be divided into two parts, as follows:

Part F—Fundamentals of Engineering—This examination is intended to assess the applicant's competency in the fundamental engineering subjects and basic engineering sciences, such as mathematics, chemistry, physics, statistics, dynamics, materials science, mechanics of materials, structures, fluid mechanics, hydraulics, thermodynamics, electrical theory, and economics. A knowledge of P.L. 1938, c. 342 (C. 45:8-27 et seq.) is also required.

Part P—Specialized Training—This examination is intended to assess the extent of the applicant's more advanced and specialized professional training and experience especially in his chosen field of engineering.

Applicants for certificates of registration as engineers-in-training shall qualify by satisfactorily passing the fundamentals portion of the written examination.

The scope, time and place of the examinations for applicants for certificates of registration as “engineers-in-training” shall be prescribed by the board. A candidate failing an examination may apply for reexamination to the extent permitted by the regulations of the board. Subsequent examinations will require the payment of fees set by the board.

Qualifications for land surveyors.

An applicant for license as a land surveyor shall be able to speak and write the English language. All applicants shall be of good character and reputation.

Completion of a master’s degree in surveying shall be considered as equivalent to one year of surveying experience and completion of a doctor’s degree in surveying shall be considered as equivalent to one additional year of surveying experience.

In considering the qualifications of applicants, survey teaching experience may be considered as surveying experience for a credit not to exceed two years.

In determining whether an applicant’s experience is satisfactory for licensure, the board shall consider whether the applicant has demonstrated the ability to perform, manage and supervise field and office surveying activities and works so as to insure the safety of life, health and property.

An examination shall be given for the purpose of determining the qualifications of applicants for license in land surveying. The content of the examination for land surveying and methods of procedure shall be prescribed by the board with emphasis upon the applicant’s ability to supervise land surveying projects and works. A candidate failing an examination may apply for reexamination to the extent permitted by regulations of the board. Subsequent examinations will require the payment of fees set by the board. The board shall schedule at least two examinations per year, with dates and places to be determined by the board.

Examinations of applicants for license as land surveyors shall be divided into two parts, as follows:

Part F—Fundamentals of Land Surveying—This examination is intended to assess the applicant’s competency in the fundamental surveying subjects and basic surveying sciences, including, but not limited to, mathematics, chemistry, physics, statistics, dynamics, boundary law, real estate law, and economics. A knowledge of P.L.1938, c. 342 (C. 45:8-27 et seq.) is also required.

Part P—Specialized Training—This examination is intended to assess the extent of the applicant’s more advanced and specialized professional training and experience in the field of land surveying.

Applicants for certificates of registration as surveyors-in-training shall qualify by satisfactorily passing the fundamentals portion of the written examination.

The scope, time and place of the examinations for applicants for certificates of registration as “surveyors-in-training” shall be prescribed by the board. A candidate failing an examination may apply for reexamination to the extent permitted by the regulations of the board. Subsequent examinations will require the payment of fees set by the board.

45:8-35.1. Licensed architects may be licensed as professional engineers; examination

Any architect who is duly licensed to practice architecture in this State, provided he has a college degree in a program or curriculum of four years or more, shall be entitled to be licensed to engage in the practice of professional engineering upon application therefor to the State Board of Professional Engineers and Land Surveyors, and upon satisfactorily passing that part of an examination limited solely to specialized training of engineers, and which is now designated as part P thereof. Such

applicant shall be examined, according to the limitation herein provided, at a regularly conducted examination for applicants for license as professional engineer.

45:8-35.2. Licensed land surveyors; continuing professional competency credits required for certification

The State Board of Professional Engineers and Land Surveyors shall require each person licensed as a land surveyor, as a condition for biennial certification pursuant to P.L.1938, c. 342 (C. 45:8-27 et seq.) and P.L. 1972, c. 108 (C. 45:1-7), to complete not more than 24 credits of continuing professional competency relating to the practice of land surveying, as provided in section 2 of this act,¹ during each biennial registration period.

¹ N.J.S.A. § 45:8-35.3.

45:8-35.3. Duties of board

- a. The board shall:
 - (1) Establish standards for continuing professional competency in land surveying, including the subject matter and content of courses of study, which shall be in conformity with a national model, such as that of the National Council of Examiners for Engineering and Surveying;
 - (2) Approve educational programs offering credit towards the continuing professional competency in land surveying requirements; and
 - (3) Approve other equivalent educational programs, including, but not limited to, meetings of constituents and components of land surveying associations and other appropriate professional and technical associations recognized by the board, examinations, papers, publications, technical presentations, teaching and research appointments and technical exhibits, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.
- b. In the case of education courses and programs, each hour of instruction shall be equivalent to one credit.

45:8-35.4. Monitoring and evaluation procedures to be established by board

The board shall:

- a. Establish procedures for monitoring compliance with the land surveying continuing professional competency requirements; and
- b. Establish procedures to evaluate and grant approval to providers of continuing professional competency in land surveying.

45:8-35.5. Waiver of continuing professional competency requirements

The board may, in its discretion, waive requirements for continuing professional competency in land surveying on an individual basis for reasons of hardship such as illness or disability, service in the armed forces of the United States of America, retirement of the license, or other good cause.

45:8-35.6. Initial registration; completion of continuing professional competency credits not required

The board shall not require completion of land surveying continuing professional competency credits for initial registration.

45:8-35.7. Acceptance of completion of credits on a pro rata basis

- a. The board shall not require completion of land surveying continuing professional competency credits for any certification periods commencing within 12 months of the effective date of this act.
- b. The board shall require completion of land surveying continuing professional competency credits on a pro rata basis for any certification periods commencing more than 12 but less than 24 months following the effective date of this act.

45:8-35.8. Proof of completion of credits

The board shall accept as proof of completion of continuing professional competency program credits documentation submitted by a person licensed as a land surveyor or by any entity offering a continuing professional competency program approved by the board pursuant to section 2 of this act.¹

¹N.J.S.A. § 45:8-35.3.

45:8-35.9. Failure to complete continuing professional competency requirements; penalties

Any person who fails to complete the continuing professional competency requirements established pursuant to section 1 of this act¹ shall be liable to a civil penalty of not more than \$500 or additional hours of continuing professional competency in land surveying, or both, as imposed by the board, for a first offense. A second or subsequent offense by a licensee shall be considered professional misconduct pursuant to the provisions of P.L.1938, c. 342 (C. 45:8-27 et seq.) and P.L.1978, c. 73 (C. 45:1-14 et seq.).

¹N.J.S.A. § 45:8-35.2.

45:8-35.10. Carry over of credits

The board shall allow a land surveyor to carry over a maximum of eight continuing professional competency credits to the next biennial certification period.

45:8-36. License certificate; issuance; content; seal; sealing of documents; prior licensees; record of licenses; Engineer-in-Training or Surveyor-in-Training

Certificates. The board shall issue a license certificate upon payment of the application fee as provided in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter, and who has paid the license fee to cover licensure for the year or fraction thereof in which such license is issued. In the case of a licensed professional engineer the certificate shall authorize the practice of the applicant as a “professional engineer” and in the case of a licensed land surveyor as a “land surveyor,” or as “professional engineer and land surveyor” when the applicant qualifies in both classifications. Certificates of license shall show the full name of the licensee, shall have a license number and shall be signed by the president and the secretary-director of the board under the seal of the board. The issuance of a license certificate by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer or a licensed land surveyor, or as both as the case may be, while said certificate remains unrevoked, unexpired, or is not on a retired status list.

Each professional engineer or land surveyor shall upon receipt of license certificate, obtain a seal of a design authorized by the board, bearing his name, license number and the legend ““Licensed Professional Engineer,” ““Licensed Land Surveyor,” or ““Licensed Professional Engineer and Land Surveyor,” as the case may be. Plans, specifications, plats, and reports issued by persons authorized under this chapter shall be sealed with said seal, during the life of the licensee’s certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired, has been revoked, or is on a retired status list, unless said certificate shall have been renewed, reissued or reinstated from retirement status as provided pursuant to section 3 of P.L.1995, c. 36 (C. 45:8-36.2). The exact method of fulfilling the requirement as to the sealing of documents shall be regulated by the board.

All professional engineers licensed by this board prior to the passage of this chapter, shall continue to practice under the various classifications heretofore granted and within the branches of engineering indicated or may, upon application therefor, and the payment of a fee of \$5.00 receive a new certificate under the title ““professional engineer”; provided, said professional engineer presents evidence satisfactory to the board of his qualifications to practice in the field of general engineering comprehended in the title ““professional engineer.”

All license certificates shall be recorded by the board in the office of the Secretary of State, in a book kept for that purpose and any recording fee as may be provided by law shall be paid by the applicant before the license certificate is delivered.

The examining board shall be empowered to issue a certificate of registration as ““Engineer-in-Training” or ““Surveyor-in-Training,” as the case may be, to an applicant who meets the qualifications outlined elsewhere herein.

An applicant who meets the requirements of this act shall receive a certificate of registration as ““Engineer-in-Training,” or ““Surveyor-in-Training,” whichever is applicable, which certificate may remain in effect for a period of 10 years from the date of issuance.

45:8-36.1. Professional land surveyor

Any person licensed as a land surveyor pursuant to the provisions of P.L.1938, c. 342 (C. 45:8-27 et seq.) may use the title ““professional land surveyor” in the scope of the practice of land surveying.

45:8-36.2. Retired license status for professional engineers and land surveyors; qualifications; reinstatement of licensure

A licensed professional engineer or land surveyor who has been licensed for a minimum of 25 years and is 62 years of age or older may apply to the board for retirement license status on a form furnished by the board. Upon receipt of the completed retired status application form and the board’s determination that the licensee meets these requirements, the board shall declare the licensee retired and shall place the licensee on a retired status list. A person whose license is retired shall not offer or practice professional engineering or land surveying, or both, as the case may be, within the State.

A person on the retired status list who wants to resume the practice of professional engineering or land surveying, or both, as the case may be, shall make application in the manner determined by the board for reinstatement of licensure to the board as a professional engineer or land surveyor, as the case may be, and pay the prescribed reinstatement fee as required by regulation of the board. Any person who has been on the retired status list for five or more years shall furnish the board with satisfactory evidence of current knowledge, competency and skill in the practice of professional engineering or land surveying as required by law or any regulation of the board.

45:8-36.3. Written waiver to omit corner markers

- a. When a property survey is performed, appropriate corner markers shall be set either by a licensed land surveyor or under the supervision of a licensed land surveyor. These markers shall be set at each property corner not previously marked by a property marker, unless the actual corner is not accessible, or unless a written waiver signed by the ultimate user is obtained and retained for a period of not less than six years by the surveyor performing the survey.
- b. Whenever a written waiver to omit corner markers is obtained pursuant to subsection a. of this section, the following notation shall be included on the plat or plan of survey:

“A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L.2003, c. 14 (C.45:8-36.3) and N.J.A.C. 13:40-5.1(d).”

- c. Failure to comply with the provisions of P.L.2003, c. 14 (C.45:8-36.3) shall subject the licensee to a penalty of not greater than \$2,500 for each violation, to be imposed pursuant to section 9 of P.L.1978, c. 73 (C.45:1-22).

45:8-37. Expiration and renewal of licenses; fees; revocation on failure to renew license

License certificates shall expire on the thirtieth day of April following issuance, renewal or reinstatement and shall become invalid on that day unless renewed. Licensees shall apply for renewal on or before the thirtieth day of April of each year. It shall be the duty of the secretary of the board to notify all persons licensed under this chapter of the date of the expiration of their certificates and the amount of the fee that shall be required for their renewal for one year; such notice shall be mailed to each licensee at his post-office address known to the board at least one month in advance of the date of expiration of said certificate. Renewal of any certificate issued under this chapter may be effected at any time during the month of April by the payment of the fee of five dollars (\$5.00).

The failure on the part of the licensee to renew his certificate annually in the month of April as required shall not deprive such person of the right of renewal during the ensuing year but the fee to be paid if the license be renewed in any month during the current year subsequent to April shall be seven dollars (\$7.00) instead of five dollars (\$5.00); and, if the license certificate be not renewed in the current year, the licensee shall pay a reinstatement fee of ten dollars (\$10.00) plus five dollars (\$5.00) for each year in which the licensee is in arrears. One notice to the licensee, by mail, on or before April fifteenth, addressed to his last post-office address known to the board, informing him of his failure to have applied for a renewal of his license certificate, shall constitute legal notification of such delinquency by the board.

The failure on the part of the licensee to renew his certificate within one year from the date of the expiration of said license certificate will automatically revoke such license certificate and the right of the person to practice thereafter shall be restored only upon the payment of the ten dollar (\$10.00) reinstatement fee plus all arrearages. Continuing to practice as a “professional engineer” or as a “land surveyor” after the expiration of his license shall render the person so doing liable to all the penalties prescribed for practicing without a license certificate.

45:8-37.1. Repealed by L.1950, c. 149, B 19, eff. May 26, 1950

45:8-38. Repealed by L.1979, c. 432, § 1, eff. Feb. 14, 1980

45:8-39. Practice without license and other violations; penalties; enforcement; powers of board pursuant to Building Design Services Act

- a. Any person who, hereafter, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this act, who shall so practice or offer so to practice in this State, except as provided in section 14 of this act,¹ or any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member or representative thereof, in obtaining a certificate of license, or who shall falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license, an unexpired and revoked certificate of license, or a certificate of license which is on a retired status list, or who shall use either the title “”Engineer-in-Training” or “”Surveyor-in-Training” without holding a valid certificate of registration issued by the board, or who shall otherwise violate any of the provisions of this act, shall be subject to a penalty of not more than \$200.00 for the first offense and not more than \$500.00 for each and every subsequent offense. The penalties provided for by this section shall be sued for and recovered in civil actions by the State Board of Professional Engineers and Land Surveyors.
- b. Pursuant to the provisions of the “”Building Design Services Act,” P.L.1989, c. 277 (C. 45:4B-1 et seq.) the board:
 - (1) May refer any complaint, question or controversy involving the application of that act to the joint committee.
 - (2) Shall take no disciplinary action against any licensed architect alleged to have engaged in a violation of that act or the unlicensed practice of engineering.
 - (3) Shall refer a request for a declaratory ruling to the joint committee.
 - (4) Shall provide any and all documents in its possession regarding any matter referred to the joint committee.
 - (5) Shall, when necessary and appropriate, exercise the investigation or enforcement powers conferred by law to aid and assist the joint committee in its functions.
 - (6) Shall, consistent with that act, discipline any professional engineer who, or business association authorized to offer engineering services which, violates that act. Such a violation shall be deemed professional misconduct. Any violation of that act by an unlicensed individual or unauthorized business association shall be disciplined by the New Jersey State Board of Architects pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of architecture. However, the design of an engineering work by an unlicensed individual or unauthorized business association shall be disciplined by the State Board of Professional Engineers and Land Surveyors pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of engineering.
- c. No person, firm, partnership, association or corporation shall bring or maintain any action in the courts of this State for the collection of compensation for services constituting the practice of engineering or land surveying without alleging and proving that he was duly licensed in accordance with this chapter at the time the alleged cause of action arose.
- d. The Superior Court shall have jurisdiction of actions for penalties under this act.

¹N.J.S.A. § 45:8-40.

45:8-40. Persons exempt

The following shall be exempted from the provisions of this chapter:

- (1) A person not a resident of and having no established place of business in this State, practicing or offering to practice herein professional engineering or land surveying within the meaning and intent of this chapter, when such practice does not exceed in the aggregate 30 consecutive days in any calendar year; provided, such person is legally qualified by license to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for a certificate of license are at least comparable to those specified in this chapter.

However, no final plans or reports may be submitted under this provision.

- (2) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 days in any calendar year professional engineering or land surveying, if he shall have filed with the board an application for a certificate of license and shall have paid the fee required by this chapter; provided, that such a person is legally qualified to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for obtaining a license are at least comparable to those specified in this chapter. Such exemption shall continue only for such time as the board requires for the consideration of the application for license certificate.
- (3) An employee or a subordinate of a person holding a license under this chapter or an employee of a person exempted from license by subsections (1) and (2) of this section; provided, this practice does not include responsible charge of design or supervision.
- (4) Officers and employees of the Government of the United States while engaged within this State in the practice of professional engineering or land surveying, for said government.
- (5) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in interstate commerce as defined in an act of Congress entitled "Act to regulate commerce," approved February 4, 1887, and as amended, unless the same affects public safety or health.

45:8-41. Licensed engineers and surveyors on public contracts or works required

Hereafter no county, city, town, township, village, borough or other municipal corporations or other political subdivisions in the State shall engage in the design, construction or maintenance of any public work involving professional engineering for which plans, specifications and estimates have not been made by and the construction and maintenance supervised by a licensed professional engineer or a registered architect, nor shall any county, city, town, township, village, borough or other municipal corporation or other political subdivision in the State employ any person to perform work involving land surveying except a licensed land surveyor.

45:8-42. Employment of licensed engineers by governmental departments

No department, institution, commission, board or body of the State Government, or of any political subdivision thereof shall designate, appoint or employ an engineer or any person to be in responsible charge of professional engineering work other than a duly qualified professional engineer who has been licensed by the State of New Jersey, prior to the designation, appointment or employment by such department, institution, commission, board or body of the State Government, or any political subdivision thereof.

Notwithstanding anything in this chapter to the contrary no professional engineer licensed in this State prior to the passage of this chapter and holding an appointment by the State or by any department, institution, commission, board or body of the State Government, or any political subdivision thereof, shall be deprived of the right of reappointment to the same office or position or appointment to any other office or position requiring similar qualifications.

45:8-43. Filing of name of engineer engaged by governmental departments; employment of engineers and surveyors; inapplicability of chapter to corporations in field of telecommunications

The clerk of such department, institution, commission, board or body of the State Government or of any political subdivision thereof shall file with the secretary-director of the State Board of Professional Engineers and Land Surveyors the name of any engineer designated, appointed or employed, within 30 days after appointment. Where professional engineers or land surveyors are employed, subject to the provisions of the civil service law, the appointment of any such person shall be understood to mean and include appointment after such person has been certified as having satisfactorily passed a civil service examination. No person, firm, association or corporation engaged in engineering or land surveying, shall employ an engineer or land surveyor, in responsible charge of any work, within the meaning and intent of this act, other than a duly qualified professional engineer or land surveyor, who has been licensed pursuant to the provisions of this chapter, prior to such employment by the person, firm, association or corporation so engaged in engineering or land surveying; provided, however, that nothing in this chapter shall apply to any public utility as defined in chapter 2 of Title 48 of the Revised Statutes, or any employee thereof or to any improvement or proposed improvement made by any such public utility or by any employee of or any contractor or agent for said public utility.

Nothing in this chapter shall apply to a corporation or any of its affiliated companies any of which are in the field of telecommunications or any employee thereof where either said corporation or any of its affiliated companies is subject to the jurisdiction of the State Board of Public Utilities or the Federal Communications Commission.

Nothing in this chapter shall apply to a corporation in the field of telecommunications, or to its affiliates, or any employees thereof in which the primary business is research and technical development manufacturing or product design.

45:8-44. Repealed by L.1989, c. 276, § 12, eff. Jan. 8, 1990

45:8-44.1. Authority of land surveyors to go on, over and upon lands of others during reasonable hours

A person licensed to practice land surveying as provided in P.L.1938, c. 342 (C. 45:8-27 et seq.) and any of his agents, servants or employees under his direction who are necessary to make a land survey shall have the authority to go on, over and upon lands of others during reasonable hours when necessary to make land surveys if:

- a. The licensed professional land surveyor has made a reasonable attempt, as defined in this section, to notify the owner of the land and, in the case of a lease, the lessee thereof, of his desire to enter on, over and upon the owner's or lessee's land to make a land survey and, the attempt having failed, the licensed professional land surveyor has given written notice, seven days prior to the proposed entry, to the municipal police department of the municipality in which the land is located of his intention to enter, containing the names, addresses, and telephone numbers of those who propose to enter the land and the date, time, duration, and location of the proposed entry; and

- b. The land or any part thereof, to which entry is sought, is not enclosed by a constructed or natural barrier which is at least 6 feet in height or is not posted with signs or notices which prohibit trespassing and contain the name and address of the owner or lessee of the land;
- c. As used in this section, a “reasonable attempt” to notify an owner or lessee means: an attempt to seek acknowledgment of the owner of the land and, in the case of a lease, the lessee thereof, by certified mail, return receipt requested, the attempt to be made a second time if unsuccessful the first time and a third time if unsuccessful the second time, each attempt to be made on a separate business day.

45:8-44.2. Entry not trespass; immunity from arrest or civil action

Any entry under the right granted in this act shall not constitute trespass nor shall the licensed professional land surveyor or his agents, servants or employees be liable to arrest or civil action by reason of the entry.

45:8-44.3. Destruction, injury or damage to land; prohibition; liability

Nothing in this act shall be construed as giving the licensed professional land surveyor or his agents, servants or employees any right to destroy, injure or damage the land or any person or property on the land of another. A licensed professional land surveyor or his agents, servants or employees shall be liable for any such destruction, injury or damage which he is found to have caused to such persons, property or land.

45:8-44.4. Nonliability of owner or lessee of land

Neither the owner of the land nor the lessee thereof shall be liable to a licensed professional land surveyor or his agents, servants or employees or any other person for any destruction, injury or damage, which was not willfully or maliciously done by the owner or lessee, to property or persons resulting from the licensed professional land surveyor or his agents, servants or employees going on, over and upon such lands under the provisions of this act.

45:8-44.5. Inapplicability of act to lands traversed by operating railroad

This act shall not apply to lands traversed by an operating railroad.

45:8-45. Certificate and seal of licensed engineer, surveyor or architect on plans and specifications on public work

No department, institution, commission, board or body of the State Government, or any political subdivision thereof, being the depository or having the custody of any plan or specification involving professional engineering, shall receive or file any such plan or specification unless there is affixed thereto the seal of a professional engineer licensed pursuant to the provisions of this chapter, or the seal of a registered architect thereon nor receive or file any plan involving land surveying unless there is affixed thereto the seal of a land surveyor licensed pursuant to this chapter.

45:8-46. Repealed by L.1977, c. 340, § -6, eff. Jan. 25, 1978

45:8-47. Effect on other professions

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession. Nothing in this act shall be construed as prohibiting, regulating or interfering with persons duly licensed under any laws of this State in the operation and maintenance of equipment and

in the supervision of operation of steam power plants, portable machinery and equipment, and refrigeration plants, or from engaging in such engineering activities as may be incident to such operating, maintenance or supervision as is customarily a part of the services rendered by such licensed persons in the course of their employment.

45:8-48. Partial invalidity; construction of chapter

The provisions of this chapter are severable, and if any of the provisions hereof are held unconstitutional the decision shall not be construed to impair any other provisions of this chapter. It is hereby declared as the legislative intent that this chapter would have been adopted had such unconstitutional provisions not been included herein.

45:8-49. Repealer

Chapter eight of Title 45 of the Revised Statutes is hereby repealed. All acts and parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect immediately.

45:8-50 to 45:8-55. Repealed by L.1950, c. 149, § 20, eff. May 26, 1950

45:8-56. Certificate of authorization for corporations to offer professional engineering and land surveying services; signature and seal on final documents

The board shall issue a certificate of authorization to certain corporations and those corporations shall be authorized to offer professional engineering and land surveying services or both, as follows:

- a. No corporation shall offer to provide engineering services in this State unless issued a certificate of authorization pursuant to this amendatory and supplementary act. This subsection shall not apply to a professional service corporation established pursuant to the “Professional Service Corporation Act,” P.L.1969, c. 232 (C. 14A:17-1 et seq.).
- b. No corporation shall offer to provide land surveying services in this State unless issued a certificate of authorization pursuant to this act. This subsection shall not apply to a professional service corporation established pursuant to the “Professional Service Corporation Act,” P.L.1969, c. 232 (C. 14A:17-1 et seq.).

The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the engineering or land surveying activities and decisions of the corporation. All final drawings, papers or documents involving the practice of engineering or the practice of land surveying, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

45:8-57. Application; contents; inclusion in biennial renewal; report of change in information

Prior to the issuance of a certificate of authorization, a corporation shall file with the board an application, on forms designated by the board, listing, where applicable, the name and address of the corporation and its satellite offices, and the name, address and signature of all officers, corporate board members, directors, principals and any licensees who shall be in responsible charge of the practice of engineering or the practice of land surveying or both, through the corporation, together with such other information as may be required by the board to ensure compliance with its regulations. The same information shall accompany the biennial renewal fee. A change in any of this information shall be reported to the board within 30 days after the effective date of that change.

45:8-58. Authority of board to review professional conduct of corporations; biennial renewal fee; suspension, revocation or denial of renewal of certificate; rules and regulations

The board shall have the authority to review the professional conduct of any corporation authorized to offer engineering or land surveying services or both under the provisions of P.L.1989, c. 276 (C. 45:8-56 et al.). In order to implement those provisions, the board may:

- a. Establish by regulations adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B-1 et seq.) a biennial renewal fee for the certificate of authorization.
- b. Suspend, revoke, or refuse to renew the certificate of authorization of any corporation whose agent, employees, directors or officers violate, or cause to be violated, any of the provisions of P.L.1989, c. 276 (C. 45:8-56 et al.) or chapter 8 of Title 45 of the Revised Statutes pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.).
- c. Adopt such rules and regulations as required to carry out the provisions of this act pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B-1 et seq.).

45:8-59. Records of licensee

A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of professional services of which such licensee was in responsible charge.

45:8-60. Responsibility of corporation for conduct or acts of its agents, employees or officers

No corporation shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of compliance with the provisions of P.L.1989, c. 276 (C. 45:8-56 et al.).

CHAPTER 8B. CONDOMINIUMS

46:8B-8. Method of creation

A condominium may be created and established by recording in the office of the county recording officer of the county wherein the land is located a master deed executed and acknowledged by all owners or the lessees setting forth the matters required by section 9 of P.L.1969, c. 257 (C.46:8B-9) and section 3 of P.L.1960, c. 141 (C.46:23-9.11). The provisions of the “”Condominium Act,” P.L.1969, c. 257 (C.46:8B-1 et seq.) shall apply solely to real property of interests therein which have been subjected to the terms of P.L.1969, c. 257 as provided in this section.

46:8B-8.1. Establishment of condominium upon land held under lease

Nothing in the act to which this act is a supplement shall be construed to prevent the creation and establishment of a condominium as defined in this act, upon land held under a lease by the lessee or creator of the condominium, provided that the master deed required under this act shall be signed, not only by the lessee, but also by the lessor of the land who holds the legal title to the land in fee simple.

46:8B-9. Contents of master deed

The master deed shall set forth, or contain exhibits setting forth the following matters:

- (a) A statement submitting the land described in the master deed to the provisions of the “”Condominium Act,” P.L.1969, c. 257 (C.46:8B-1 et seq.).
- (b) A name, including the word “”condominium” or followed by the words “”a condominium,” by which the property shall thereafter be identified.
- (c) A legal description of the land.
- (d) A survey of the condominium property in sufficient detail to show and identify common elements, each unit and their respective locations and approximate dimensions. The plans shall bear a certification by a land surveyor, professional engineer or architect authorized and qualified to practice in this State setting forth that the plans constitute a correct representation of the improvements described. The survey and plans shall constitute a condominium plan as defined in section 2 of P.L.1960, c. 141 (C.46:23-9.10).
- (e) An identification of each unit by distinctive letter, name or number so that each unit may be separately described thereafter by such identification.
- (f) A description of the common elements and limited common elements, if any.
- (g) The proportionate undivided interests in the common elements and limited common elements, if any, appurtenant to each unit. These interests shall in each case be stated as percentages aggregating 100%.
- (h) The voting rights of unit owners.
- (i) By-laws.
- (j) A method of amending and supplementing the master deed, which shall require the recording of any amendment or supplement in the same office as the master deed before it shall become effective.

- (k) The name and nature of the association and if the association is not incorporated, the name and residence address, within this State of the person designated as agent to receive service of process upon the association.
- (l) The proportions or percentages and manner of sharing common expenses and owning common surplus.
- (m) Any other provisions, not inconsistent with the “Condominium Act,” P.L.1969, c. 257 (C.46:8B-1 et seq.), as may be desired, including but not limited to restrictions or limitations upon the use, occupancy, transfer, leasing or other disposition of any unit (provided that any restriction or limitation shall be otherwise permitted by law) and limitations upon the use of common elements.²

46:8B-10. Unit deeds and other instruments

A deed, mortgage, lease or other instrument pertaining to a unit shall have the same force and effect in regard to such unit as would be given to a like instrument pertaining to other real property which has been similarly made, executed, acknowledged and recorded. A unit deed shall contain the following:

- (a) The name of the condominium as set forth in the master deed, the name of the political subdivision and county in which the condominium property is located and a reference to the recording office, the book and page where the master deed and any amendment thereto are recorded.
- (b) The unit designation as set forth in the master deed.
- (c) A reference to the last prior unit deed conveying such unit, if previously conveyed.
- (d) A statement of the proportionate undivided interest in the common elements appurtenant to such unit as set forth in the master deed or any amendments thereof.
- (e) Any other matters, consistent with this act, which the parties may deem appropriate.

46:8B-11. Amendments to master deed

The master deed may be amended or supplemented in the manner set forth therein. Unless otherwise provided therein, no amendment shall change a unit unless the owner of record thereof and the holders of record of any liens thereon shall join in the execution of the amendment or execute a consent thereto with the formalities of a deed. Notwithstanding any other provision of this act or the master deed, the designation of the agent for service of process named in the master deed may be changed by an instrument executed by the association and recorded in the same office as the master deed.

CHAPTER 23. MAP OF LANDS; APPROVAL AND FILING

46:23-9.8. Effective date

This act shall take effect January first, one thousand nine hundred and fifty-four.

46:23-9.9. Short title

This act shall be known and may be cited as “the map filing law.”

46:23-9.10. Definitions.

As used in this act:

- a. “Map” means a map, plat, condominium plan, right of way parcel maps of the State, county or municipality, chart, or survey of lands presented for approval to the proper authority as hereinafter defined or presented for filing in accordance with the provisions of this act, but does not mean a map, plat or sketch required to be filed or recorded under the provisions of P.L.1957, c. 130 (C.48:3-17.2).
- b. “Municipal Engineer” means the official licensed professional engineer appointed by the proper authority of the municipality wherein the territory shown on a map is situate.
- c. The term “Professional Engineer” means a person who is legally authorized to practice professional engineering in this State in accordance with the provisions of P.L.1938, c. 342 (C.45:8-27 et seq.).
- d. The term “Land Surveyor” means a person who is legally authorized to practice land surveying in this State in accordance with the provisions of P.L.1938, c. 342 (C.45:8-27 et seq.).
- e. “Proper authority” means the chief legislative body of a municipality or any other agencies to whom the authority for the approval of maps may be duly designated by ordinance.
- f. “Right of way parcel map” means any general property parcel map of the State, county or municipality which shows highways, roads or street acquisitions and any associated easements for highway, road or street rights of way.
- g. “Entire tract” means all of the property that is being subdivided including lands remaining after subdivision.
- h. “Condominium plan” means a survey of the condominium property in sufficient detail to show and identify common elements, each unit and their respective locations and appropriate dimensions, which shall be filed in accordance with the requirements of section 3 of P.L.1960, c. 141 (C.46:23-9.11). A condominium plan shall bear a certification by a land surveyor, professional engineer or architect authorized and qualified to practice in this State setting forth that the plan constitutes a correct representation of the improvements described.
- i. “General property parcel map” means any right of way parcel map showing a grouping of parcel and easement acquisitions for part of a section of a highway, road or street project.

46:23-9.11. Requirements for approval

Requirements for Approval.

All subdivision plats, both major and where required minor, right of way parcel maps of the State, county or municipality, shall be filed in accordance with the provisions of P.L.1960, c. 141 (C.46:23-

9.9 et seq.). Right of way parcel maps shall meet the requirements of subsections a. through d., subsections f. through i., subsection m. and paragraph 12 of subsection r. of this section. Minor subdivision maps shall meet the requirements of subsections a. through i., and k. through q., and subsection j. except for the outside tract line monuments, and paragraph 13 of subsection r. of this section.

A condominium plan shall be filed in accordance with the requirements of subsections a. through c., subsections f. through i., and subsection m. of this section.

No map requiring approval by law or that is to be approved for filing with a county recording officer, shall be approved by the proper authority unless it shall conform to the following requirements:

- a. It shall be clearly and legibly drawn, and where required endorsed and presented either as an original drawing in black ink on translucent tracing cloth, translucent mylars at least 4 mils thick or its equivalent, of good quality, with signatures in ink, or as an equivalent reproduction on photographic fixed line mylar 4 mils thick with signatures in black ink or its equivalent and shall be accompanied by a cloth print or photographic fixed line mylar 4 mils thick duplicate thereof.
- b. It shall be one of six standard sizes namely, 8 1/2" X 13", 30" X 42", 24" X 36", 11" X 17", 18" X 24" or 15" X 21" as measured from cutting edges. If one sheet is not of sufficient size to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with references on each sheet to the adjoining sheets.
- c. It shall show the scale, which shall be inches to feet and be large enough to contain legibly written data on the dimensions, bearings and all other details of the boundaries, and it shall also show the graphic scale.
- d. It shall show the dimensions, square footage of each lot to the nearest square foot or nearest one hundredth of an acre, bearings and curve data to include the radius, delta angle, length of arc, chord distance and chord bearing sufficient to enable the definite location of all lines and boundaries shown thereon, including public easements and areas dedicated for public use. Non-tangent curves and non-radial lines shall be labeled. Right of way parcel maps shall show bearings, distances and curve data for the right of way or the center line or base line and ties to right of way lines if from a base line.
- e. Where lots are shown thereon, those in each block shall be numbered consecutively. In municipalities where tax maps exist, block and lot designations shall conform therewith, if the municipal regulations so require. In counties which have adopted or shall adopt the local or block system of indices pursuant to sections 46:24-1 to 46:24-22 of the Revised Statutes, it shall have delineated and shown thereon the block boundary or boundaries and designations established by the board of commissioners of land records of such counties respecting the territory intended to be shown on such map.
- f. The reference meridian used for bearings on the map shall be shown graphically. The coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plat.
- g. All municipal boundary lines crossing or adjacent to the territory intended to be shown shall be shown and designated.
- h. All natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines shall be shown. On right of way parcel maps all easements that affect the right of

way shall be shown and dimensioned, including but not limited to slope easements and drainage.

- i. All permanent easements shall be shown and dimensioned including but not limited to sight right easements and utility easements.
- j. The map shall clearly show all monumentation as required by this act, including monuments found, monuments set, and monuments to be set. An indication shall be made where monumentation found has been reset. For purposes of this subsection “”found corners” shall be considered monuments. A minimum of three corners distributed around the tract shall indicate the coordinate values. The outbound corner markers shall be set pursuant to regulations promulgated by the State Board of Professional Engineers and Land Surveyors.
- k. It shall conform to such other technical design controls as may be required by the provisions of local ordinances, including but not limited to minimum street widths, minimum lot areas and minimum yard dimensions and should be shown as a chart on the plat.
- l. The name of the subdivision, name of the last property owner or owners, municipality and county shall be shown.
- m. The date of the survey shall be shown and the map shall be in accordance with the minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors.
- n. There shall be endorsed thereon a certificate of a land surveyor or surveyors, as follows:

(1) I hereby certify that to the best of my knowledge and belief this map and land survey dated meets the minimum survey detail requirements, with outbound corners marked, as promulgated by the State Board of Professional Engineers and Land Surveyors and has been made under my supervision, and complies with the provisions of “”the map filing law” and that the outbound corner markers as shown have been found, or set.

(Include the following, if applicable)

I do further certify that the monuments as designated and shown hereon have been set.

.....

Licensed Professional Land Surveyor and No.

(Affix Seal)

- (2) If the land surveyor who prepares the map is different than the land surveyor who prepared the outbound survey, the following two certificates shall be added in lieu of the certificate above.

I hereby certify to the best of my knowledge information and belief that this land survey dated has been made under my supervision and meets the minimum survey detail requirements, with outbound corners marked, promulgated by the State Board of Professional Engineers and Land Surveyors and that the outbound corner markers as shown have been found, or set.

.....

Licensed Professional Land Surveyor and No.

(Affix seal)

I hereby certify that this map has been made under my supervision and complies with the provisions of the “map filing law.”

(Including the following if applicable)

I do further certify that the monuments as designated and shown hereon have been set.

.....
Licensed Professional Land Surveyor and No.

(Affix seal)

- (3) If monuments are to be set at a later date, the following requirements and endorsement shall be shown on the map.

The monuments shown on this map shall be set within an appropriate time limit as provided for in the “Municipal Land Use Law,” P.L.1975, c. 291 (C.40:55D-1 et seq.) or local ordinance.

I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments shown on this map and so designated.

.....
Municipal Clerk

- (4) If the map is a right of way parcel map the project surveyor need only to certify that the monuments have been set or will be set.
- o. There shall be endorsed thereon a certificate of the municipal engineer as follows:

I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of “the map filing law” resolution of approval and the municipal ordinances and requirements applicable thereto.

.....
Municipal Engineer

(Affix Seal)

- p. There shall be submitted to the proper authority an affidavit setting forth the names and addresses of all the record title owners of the lands subdivided by said map and the consent in writing of all such owners to the approval of such map shall be required.
- q. If the map shows streets, avenues, roads, lanes or alleys, there shall be endorsed thereon a certificate by the municipal clerk that the municipal body has approved such streets, avenues, roads, lanes or alleys, except where such map is prepared and presented for filing by the State of New Jersey or any of its agencies. The map shall show all of the street names as approved by the municipality.
- r. Monuments are required on one side of the right of way only and shall be of metal detectable durable material at least 30 inches long. The top and bottom shall be a minimum of 4 inches square; if concrete, however it may be made of other durable metal detectable material

specifically designed to be permanent, as approved by the State Board of Professional Engineers and Land Surveyors. All monuments shall include the identification of the professional land surveyor or firm. They shall be firmly set in the ground so as to be visible at the following control points; provided that in lieu of installation of the monuments, the municipality may accept bond with sufficient surety in form and amount to be determined by the governing body, conditioned upon the proper installation of said monuments upon the completion of the grading of the streets and roads shown on the map.

- (1) At each intersection of the outside boundary of the whole tract, with the right-of-way line of any side of an existing street.
- (2) At the intersection of the outside boundary of the whole tract with the right-of-way line on one side of a street being established by the map under consideration.
- (3) At one corner formed by the intersection of the right-of-way lines of any 2 streets at a T-type intersection.
- (4) At any two corners formed by the right-of-way lines of any two streets in an “X” or “Y” type intersection.
- (5) If the right-of-way lines of two streets are connected by a curve at an intersection, monuments shall be as stipulated in (3) and (4) of this subsection at one of the following control points:
 - (a) The point of intersection of the prolongation of said lines.
 - (b) The point of curvature of the connecting curve or,
 - (c) The point of tangency of the connecting curve.
- (6) At the beginning and ending of all tangents on 1 side of any street.
- (7) At the point of compound curvature or point of reversed curvature where either curve has a radius equal to or greater than 100 feet. Complete curve data as indicated in subsection d. of this section shall be shown on both sides.
- (8) At intermediate points in the sidelines of a street between 2 adjacent street intersections in cases where the street deflects from a straight line or the line of sight between the adjacent intersections is obscured by a summit or other obstructions which are impractical to remove. This requirement may necessitate the setting of additional monuments at points not mentioned above. Bearings and distances between the monuments or coordinate values shall be indicated.
- (9) In cases where it is impossible to set a monument at any of the above designated points, a nearby reference monument shall be set and its relation to the designated point shall be clearly designated on the map; or the plate on the reference monument shall be stamped with the word “offset” and its relation to the monument shown on the filed map.
- (10) In areas where permanency of monuments may be better insured by off-setting the monuments from the property line, the municipal engineer may authorize such procedure; provided, that proper instrument sights may be obtained and complete off-set data is recorded on the map.

- (11) By the filing of a map in accordance with the provisions of “the map filing law,” reasonable survey access to the monuments is granted, which shall not restrict in any way the use of the property by the landowner.
- (12) On right of way parcel maps, the monuments shall be set at the points of curvature, points of tangency, points of reverse curvature and points of compound curvature or the control base line or center line, if used, and be intervisible with a second monument.
- (13) On minor subdivisions a monument shall be set at each intersection of an outside boundary of the newly created lot(s) with the right of way line of any side of an existing street.

46:23-9.12. Time for approval

The proper authority shall approve or disapprove such map within 45 days from the receipt thereof.

46:23-9.13. Approval of map by municipality not acceptance of roads, streets or highways

The approval of any map under this law by the proper authority shall in no way be construed as acceptance of any road, street or highway indicated thereon; nor shall any such approval in any way obligate the State of New Jersey or any county or municipality therein, to maintain or exercise jurisdiction over such roads, streets or highways.

46:23-9.14. Prerequisites to filing

The county recording officer shall not accept for filing any map unless it has endorsed thereon a certificate signed and sealed with the municipal seal by the municipal clerk or secretary of the planning board as the case may be, stating that the proper authority has approved the map or stating its exemption from approval which certificate shall state that said map complies with the provisions of this law and shall designate the day on or before which said map is required to be filed by the provisions of the applicable law and provided that said map is filed on or before said designated day.

Said map shall also comply with the provisions of section 3, paragraphs a. and b. of this act¹ in order to be accepted for filing..

¹N.J.S.A. § 46:23-9.11.

46:23-9.15. Filing and indexing of maps, fee

The county recording officer of each county shall, when received by him for that purpose in accordance with the provisions of this law file in folios, slides, cabinets or other receptacles, maps of land lying in whole or in part in the county where the same are offered to be filed; provided that he shall retain the original tracing on translucent tracing cloth or its equivalent unmounted in an appropriate file or container, for preservation and use for reproduction purposes only, prints of which may be made available to the public at a reasonable cost. He shall endorse on the tracing and cloth print duplicate the date of the filing thereof in his office, and he shall provide and keep a proper index of all maps on file in his office. The county recording officer shall, for filing and indexing each map receive such fee as may be provided by law, except that when any map shall be presented for filing by the State of New Jersey, or any of its agencies no fee shall be charged for the filing thereof.

46:23-9.16. Repeals

Sections 1 to 6, both inclusive, of chapter 358 of the laws of 1953 entitled “An act concerning the approval and filing of maps, supplementing chapter 23 of Title 46, and repealing sections 46:23-1, 46:23-2, 46:23-3, 46:23-4, 46:23-5, 46:23-6, 46:23-7, 46:23-8 and 46:23-9, of the Revised Statutes”

(approved August 10, 1953, P.L.1953, c. 358)¹ are hereby repealed.

¹N.J.S.A. §§ 46:23-9.1 to 46:23-9.6.

46:23-9.17. Filing of right of way parcel maps; project bids advertised on or before July 1, 2001

- a. The provisions of P.L.1997, c. 211 shall not apply to the filing of any right of way parcel map in connection with projects for which construction bids are advertised on or prior to July 1, 2001. For the purposes of this section, the advertising of construction bids shall mean the first publication for the solicitation of bids for work and material for a highway, road or street project. The provisions of P.L.1997, c. 211 shall apply to the filing of right of way parcel maps after July 1, 2001.
- b. All right of way parcel maps, and amendments thereto, of the State, or any county or municipality showing acquisitions and associated easements for projects for which construction bids are advertised on or prior to July 1, 2001 may be filed with the county recording officer at any time without meeting the requirements of P.L.1997, c. 211, so long as certification as to the date of the advertisement notice is produced when requested by the county recording officer.
- c. The plot plan which is required to be included as part of a declaration of taking under paragraph (c) of section 17 of P.L.1971, c. 361 (C. 20:3-17) need only meet the accuracy standards of a right of way parcel map.
- d. The scale of the maps and the dimensions depicted upon right of way parcel maps may be in Metric or English at the discretion of the preparer.
- e. In addition to sizes set forth in P.L. 1997, c. 211, a map size of 22 inches by 36 inches shall be acceptable for right of way parcel maps.

46:23-9.18. Exemption for projects with final municipal approval

The provisions of P.L.1997, c. 211 shall not apply to the filing of any subdivision plat that was granted final approval by a municipal approving authority pursuant to the "Municipal Land Use Law," P.L.1975,c.291 (C.40: 55D-1 et seq.) on or prior to July 1, 1999.

46:23-10. Duplicates of maps in cities having atlases or block maps filed with recording officer and transmitted to proper city officer

Whenever any map of lands situate in any city of this state that has or may have an atlas, or block map, upon which shall be plotted the lots or subdivisions of lots of lands, is filed in the office of the county recording officer, or other officer, whose duty it is to record and file such maps, the person filing the same shall file a duplicate thereof, and the officer receiving such map shall indorse on such duplicate the time of recording and filing the original and deliver such duplicate to the officer of such city having charge of such city atlas or block map.

This section shall have no application to maps filed by commissioners appointed to assess benefits derived from the construction of sewers, drains or other municipal improvements.

46:23-11. Approval and filing of duplicates of maps identical with maps already filed except as to style or title thereof; effect

Whenever there has been or may be duly filed in the office of the county recording officer in any county maps of lands, and there have been made duplicate copies thereof, which copies have been delineated identically with the maps so filed, except for the style or title thereof, and such duplicate

maps have not been filed in the office of such county recording officer, and there have been made conveyances of lands, or interests therein, and other instruments of similar nature, under which the lands intended to be conveyed or liened, have been described by reference to such unfiled map, the governing body of any municipality within this state and located in any such county may provide for the filing of a duplicate of such map delineated identically with the filed map, even though the title or style of the map may be in different form from the filed map approved by such municipality in the manner prescribed by law; but any such approval and filing shall not constitute a dedication of the streets or lot locations as therein delineated; and any such approval and filing of any such map shall be merely for the identification of the lands theretofore conveyed or liened, which approval shall be stated in the resolution adopted by the governing body approving such maps.

CHAPTER 40

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SUBCHAPTER 1. TITLE BLOCKS AND SEALS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

13:40-1.1. Sealing documents

- (a) All sealing of documents shall be done with an impression type-seal. Alternatives such as digital seals or rubber stamp facsimiles of the seal shall not be permitted.
 - (b) The application of a signature and seal to documents relating to the practice of professional engineering and/or land surveying shall indicate that the licensee has provided regular and effective supervision to those individuals performing services which directly and materially affect the quality and competence of the engineering or land surveying work rendered.
1. The following documents shall be signed and sealed:
 - i. Maps, plats, reports, descriptions, plans, design specifications, certifications or similar documents; and
 - ii. Shop drawings for the construction of buildings, structures and related equipment, or for other purposes, the preparation of which requires engineering calculations and/or engineering input. Catalog information and standard product information shall be exempt from the requirements of this section.
 - (c) The signature and/or seal signifies that the licensee takes professional responsibility for the document based upon the accepted standards of practice in place at the time the documents were sealed.
 - (d) Where the document includes the work of more than one professional, each professional shall sign and seal the document with clear reference to the work that he/she has performed. See N.J.A.C. 13:40-1.6 for title block requirements.
 - (e) A licensee shall not affix a signature and/or seal to documents constituting the practice of the profession regulated which have been prepared by another person unless such work was performed under the direction and supervision of the licensee.
 - (f) Incomplete and/or all draft plans, documents and sketches, whether advanced or preliminary copies, shall be conspicuously identified and may be signed but shall not be sealed.

13:40-1.2. Title block on drawings; forms; removal

- (a) Every licensee shall provide a title block on all drawings (except renderings), and similar information on the title page of all specifications and reports constituting the practice of the profession.
- (b) The title block shall be in such form as the Board may adopt or approve.
- (c) Such title block shall be distinct and separate from any other title block, plaque, or any similar device of illustration or lettering.

- (d) The title block shall be lettered on the drawing in such a manner as to reproduce clearly on all prints and reproductions thereof.
- (e) No person shall remove a title block from any manually drafted or digital drawing, or from any print or reproduction for any reason.

13:40-1.3. Title block contents

- (a) The title block shall contain:
 - 1. The name and location of the project;
 - 2. The name of the engineering or land surveying individual firm, partnership, corporation, professional association or professional service corporation;
 - 3. The full name and certificate number of the person(s) in responsible charge;
 - 4. The title “”professional engineer” and/or “”land surveyor” spelled out;
 - 5. The manually handwritten signature of the person(s) in responsible charge and the date when signed; and
 - 6. If applicable, the certificate of authorization number as required by N.J.S.A. 45:8-56.
- (b) An appropriate title block shall be provided on a site plan which shall be included in any set of drawings of a building project. Any plan including land surveying data must also bear the title block or identity of the land surveyor who performed the land surveying work.
- (c) The title block may contain the initials of the draftsmen or checker, and dates, drawing numbers, revision numbers and such similar incidental items as are customary in practicing engineers’ or land surveyors’ offices, provided that the name of the person(s) in responsible charge is readily discernible from the other information on the document and contained within the heavy borderline of the title block.

13:40-1.4. Proposed title block form

Any licensee may submit a proposed form of title block to the State Board of Professional Engineers and Land Surveyors for approval.

13:40-1.5. Title block use for professional engineer and land surveyor work project

In the event the project contains the work of both a professional engineer and land surveyor, any individual licensed in both professions may use the title “”professional engineer and land surveyor” which shall be spelled out in one title block.

13:40-1.6. Subtitle block of independent professional

If a project includes the work of any other licensed professional, not under the immediate supervision of the licensee in responsible charge and not otherwise identified in accordance with N.J.A.C. 13:40-7, a subtitle block of that professional firm or individual must appear on all plans involving that profession.

SUBCHAPTER 2. APPLICATION REQUIREMENTS

13:40-2.1. Application submission

(a) An applicant for licensure shall file with the Board the following:

1. A completed application, typewritten and notarized;
2. Supplemental documents as required by N.J.A.C. 13:40-2.4 through 2.7 for engineer-in-training, professional engineer, surveyor-in-training, and land surveyor, respectively;
3. The appropriate fee required by N.J.A.C. 13:40-6.1(a)1; and
4. References pursuant to N.J.A.C. 13:40-2.13.

(b) The materials required by (a) above shall be postmarked and sent to the Board office by the deadline prescribed in the application packet for an applicant to be considered eligible for admission to the next regularly scheduled examination. The applicant shall be responsible to verify the receipt of all the required materials by the Board office.

(c) The application shall be reviewed only upon receipt of all the required materials.

13:40-2.2. Failure to timely submit application

An application and other required materials as set forth in N.J.A.C. 13:40-2.1(a) that are not postmarked by the prescribed deadline shall not be reviewed for the next scheduled examination. The application shall be held and reviewed for the subsequent scheduled examination, provided that all the required materials are postmarked and sent to the Board office by the deadline prescribed for that examination.

13:40-2.3. Cancellation of application; reapplication

- (a) All applications to take an examination for licensure submitted after May 15, 2000 shall be valid for five years from the date of initial Board approval; after five years, the application shall be canceled.
- (b) An applicant whose application has been canceled may reapply and shall satisfy the eligibility requirements of the rules applicable at the time of the new application. Once the reapplication is approved, the application shall be deemed valid for five years from the date of reapproval.
- (c) Upon reapplication, the applicant shall have postmarked and sent to the Board by the deadline prescribed in the new application packet a new application, the appropriate fees as required pursuant to N.J.A.C. 13:40-6.1(a)1, all required materials as set forth in N.J.A.C. 13:40-2.1(a), and a letter referencing any application number previously assigned by the Board.

13:40-2.4. Engineer-in-training: application procedure; eligibility requirements

(a) An applicant for a certificate of registration as an engineer-in-training shall submit the following to the Board:

1. A completed application which contains information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:40-6.1(a)1;
 3. An official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.8;
 4. References as set forth in N.J.A.C. 13:40-2.13; and
 5. For an applicant who has received an undergraduate degree from a country where the official language is other than English, proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.
- (b) An applicant in his or her senior year of college pursuing either a degree in engineering or engineering technology shall be permitted to sit for the Part F portion of the examination if:
1. The applicant meets the educational standards as set forth in N.J.A.C. 13:40-2.8;
 2. The Board receives a letter from the applicant's school indicating that the applicant is currently enrolled as a senior in good academic standing;
 3. The Board receives an official transcript from the applicant's school indicating the courses completed by the applicant to date;
 4. The Board receives references as set forth in N.J.A.C. 13:40-2.13; and
 5. For an applicant who has received his or her undergraduate degree from a country where the official language is other than English, the Board receives proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.
- (c) To be eligible to sit for the fundamentals of engineering examination, an applicant who has received an engineering degree from a college or university not located in the United States shall have two years of professional engineering experience which has been gained under the regular and effective supervision of a licensed engineer in the United States.

13:40-2.5. Professional engineer: application procedure; eligibility requirements

- (a) An applicant for examination as a professional engineer shall submit the following to the Board:
1. A completed application which contains information concerning the applicant's educational and experiential background;
 2. The application fee set forth in N.J.A.C. 13:40-6.1(a)1;
 3. An official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.8;
 4. References as set forth in N.J.A.C. 13:40-2.13; and
 5. For an applicant who has received his or her undergraduate degree from a country where the official language is other than English, proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.
- (b) To be eligible for licensure, the applicant shall have successfully passed the three-part examination for licensure consisting of:
1. Part F—Fundamentals of Engineering;

2. Part P—Principles and Practices of Engineering (this portion of the examination shall be taken after the applicant satisfies the experience requirements set forth in N.J.A.C. 13:40-2.10); and
3. The New Jersey Law portion.
 - (c) If the applicant is seeking licensure by comity, in addition to meeting the requirements in (a) above, the applicant shall also:
 1. Submit proof of successful completion of the examination requirements set forth in (b) above; and
 2. Comply with the requirements set forth in N.J.A.C. 13:40-.16.

13:40-.6. Surveyor-in-training; application procedure; eligibility requirements

- (a) An applicant for a certificate of registration as a surveyor-in-training shall submit the following to the Board:
 1. A completed application which contains information concerning the applicant's educational and experiential background;
 2. The application fee set forth in N.J.A.C. 13:40-6.1(a)1;
 3. An official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.9;
 4. References as set forth in N.J.A.C. 13:40-2.13; and
 5. For an applicant who has received an undergraduate degree from a country where the official language is other than English, proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.
- (b) An applicant in their senior year of college pursuing a degree in land surveying shall be permitted to sit for the Part F portion of the examination if:
 1. The applicant meets the educational standards as set forth in N.J.A.C. 13:40-2.9;
 2. The Board receives a letter from the applicant's school indicating that the applicant is currently enrolled as a senior in good academic standing;
 3. The Board receives an official transcript from the applicant's school indicating the courses completed by the applicant to date;
 4. The Board receives references as set forth in N.J.A.C. 13:40-2.13; and
 5. For an applicant who has received an undergraduate degree from a country where the official language is other than English, the Board receives proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.
- (c) To be eligible to sit for the fundamentals of land surveying examination, an applicant who has received a land surveying degree from a college or university not located in the United States shall have two years of professional land surveying experience which has been gained under the regular and effective supervision of a land surveyor licensed in the United States.

13:40-2.7. Land surveyor; application procedures; eligibility requirements

(a) An applicant for licensure as a land surveyor shall submit the following to the Board:

1. A completed application which contains information concerning the applicant's educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:40-6.1(a)1;
3. An official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.9;
4. References as set forth in N.J.A.C. 13:40-2.13; and
5. For an applicant who has received his or her undergraduate degree from a country where the official language is other than English, proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.

(b) To be eligible for licensure, an applicant shall have successfully completed the four-part examination consisting of:

1. Part F—Fundamentals of Land Surveying;
2. Part P—Principles and Practices of Land Surveying (this portion of the examination shall be taken after the applicant satisfies the experience requirements set forth in N.J.A.C. 13:40-2.11);
3. The New Jersey State specific examination (this portion of the examination shall be taken after the applicant satisfies the experience requirements set forth in N.J.A.C. 13:40-2.11); and
4. The New Jersey law portion.

(c) If the applicant is seeking licensure by comity, in addition to meeting the requirements in (a) above, the applicant shall also comply with the requirements set forth in N.J.A.C. 13:40-2.16 and submit proof that the applicant has successfully passed the examination for licensure consisting of the materials set forth in (b) above.

13:40-2.8. Education requirements: engineer-in-training and professional engineer

(a) Each applicant shall provide the Board with an official transcript reflecting the degree(s) earned by the applicant. The transcript must be sent directly from the educational institution to the Board and must include the Board-assigned application number of the applicant.

(b) Engineering curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:

1. 128 semester hours, 80 of which shall consist of:
 - i. 32 semester hours of a combination of mathematics and basic sciences;
 - ii. 32 semester hours of engineering sciences;
 - iii. 16 semester hours of engineering design.
2. For purposes of conversion, one semester hour equals 1.5 quarter hour credits.

(c) Engineering technology curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:

1. 124 semester hours which shall consist of:

- i. 48 semester hours of technical science courses in the specialty section, for example, mechanics, strength materials, hydraulics, engineering graphics, surveying, soils and foundations, computer technology, engineering materials;
 - ii. 24 semester hours of basic science and mathematics inclusive of the following courses: physics, including the appropriate laboratory exercises; analytical chemistry, including the appropriate laboratory exercises; analytical geometry; applied differential and integral calculus; thermodynamics; and
 - iii. The balance of hours shall be designed to achieve an integrated and well rounded technology degree, including design sequences in a major technology area appropriate to bachelor degree program needs, that is, electrical, mechanical, construction/civil technology degrees.
- (d) An applicant who has attended an educational institution not located in the United States shall have his or her degree evaluated by a transcript review service selected and approved by the Board. Reviews by other services other than those selected and approved by the Board shall not be accepted.
- (e) Transcripts shall be sent directly from the applicant's school and shall contain an official registrar's seal.
- (f) An applicant with a non-United States degree who has documented that due to political or economic sanctions the applicant is unable to have the transcript sent directly from the school to the Board or its designee shall submit his or her original transcript to the Board-approved transcript review service. The applicant shall also provide a literal, verbatim English translation, certified to be accurate by a certified translator. The applicant shall also comply with all information requests by the Board-approved transcript review service.

13:40-2.9. Education requirements: land surveyor-in-training; land surveyor

- (a) Each applicant shall provide the Board with an official transcript reflecting the degree(s) earned by the applicant. The transcript shall be sent directly from the educational institution to the Board and shall include the Board assigned application number of the applicant.
- (b) Land surveying curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:
 1. One hundred twenty-eight semester hours which shall consist of:
 - i. Forty-five semester hours in surveying and mapping science and practice;
 - (1) The following topics shall be incorporated in the surveying and mapping science requirements: field surveying/data collection, instrumentation and methods, measurement data reduction and data adjustment (least squares), geodesy, geodetic positioning/orientation and Global Positioning System (GPS), Geographic Information System (GIS), Land Information System (LIS), photogrammetry and remote sensing, map projection and coordinate systems;

- (2) The following topics shall be incorporated in the surveying and mapping practice requirements and shall constitute a minimum of 15 of the required 45 semester hours. Of these required 15 semester hours, nine semester hours shall be spent on design and field exercises in the above mentioned course materials, legal systems and legal research. Six semester hours shall be spent on cadastral or boundary surveying;
 - ii. Twenty-four semester hours of math, statistics and general science; and
 - iii. Nine semester hours of communication (writing and/or speech).
2. For purposes of conversion, one semester hour equals 1.5 quarter hour credits.
 - (c) Any applicant who has attended an educational institution not located in the United States shall have their degree evaluated by a transcript review service selected and approved by the Board. Reviews by services other than those selected and approved by the Board shall not be accepted.
 - (d) Transcripts shall be sent directly from the applicant's school and shall contain an official registrar's seal.
 - (e) An applicant with a non-United States degree who has documented that due to political or economic sanctions the applicant is unable to have the transcript sent directly from the school to the Board or its designee shall submit an original transcript to the Board-approved transcript review service. The applicant shall also provide a literal, verbatim English translation, certified to be accurate by a certified translator. The applicant shall also comply with all information requests by the Board-approved transcript review service.

13:40-2.10. Experience requirements; professional engineer

- (a) An applicant for a professional engineering license who is applying to sit for the principles and practices exam shall have four years of professional experience that the Board determines is consistent with the requirements of N.J.S.A. 45:8-28(b) which shall be gained under the regular and effective supervision of a licensed professional engineer.
 1. Two years of professional experience shall be gained in the United States; and
 2. Two years of professional experience shall be original engineering design experience that the Board determines has demonstrated increased responsibility and increased technical expertise over time.
- (b) Completion of a master's degree in engineering may be substituted for one year of the required professional experience required by (a)1 above.
 1. A master's degree in engineering shall not be substituted for the original engineering design experience required by (a)2 above.
- (c) Completion of a doctorate degree in engineering may be substituted for an additional year of the required professional experience required by (a)1 above.
 1. A doctorate degree in engineering shall not be substituted for the original engineering design experience required by (a)2 above.
- (d) Experience prior to graduation from a Board approved program will be evaluated by the Board on a case-by-case basis if experience is gained under the regular and effective

supervision of a licensed professional engineer, and if the applicant has passed the appropriate technical courses needed to perform the work experience.

- (e) All information submitted to the Board shall be legible and placed on forms provided by the Board.

13:40-2.11. Experience requirements; land surveyor

- (a) An applicant for a land surveying license shall obtain at least three years of experience that the Board determines is consistent with the requirements of N.J.S.A. 45:8-28(e) which shall be original land surveying experience that the Board determines has demonstrated increased responsibility and increased technical expertise over time. All experience shall be gained in the United States under the regular and effective supervision of a licensed land surveyor.
- (b) Completion of a master's degree in land surveying may be substituted for one year of the required professional experience.
- (c) Completion of a doctorate degree in land surveying may be substituted for an additional year of the required professional experience.
- (d) Experience prior to graduation from a Board approved program shall be evaluated by the Board on a case-by-case basis if experience is gained under the regular and effective supervision of a licensed land surveyor, and if the applicant has passed the appropriate technical courses needed to perform the work experience.
- (e) All information submitted to the Board shall be legible and placed on forms provided by the Board.

13:40-2.12. Waiver of the fundamentals of engineering examination

The Board may waive the fundamentals of engineering portion of the licensure examination provided that, in addition to the education requirements at N.J.A.C. 13:40-2.8, the applicant has a specific record of an additional 15 years or more of experience at the time of application in engineering work that the Board determines is consistent with the requirements of N.J.S.A. 45:8-28(b). Eight of the 15 years of experience must have been gained in the United States or must have been acquired while working for a United States based firm. At least two years of experience gained in the United States shall be original engineering design experience demonstrating increased responsibility over time. All experience shall be gained under the regular and effective supervision of a licensed professional engineer.

13:40-2.13. References

- (a) The following provisions apply in the submission of references:
 1. References will not be accepted from relatives of the applicant.
 2. No current Board member shall be used as a reference.
 3. All reference forms must contain the applicant's Board assigned number.
 4. No references over one year old will be accepted.
 5. References shall attest whether the applicant is qualified to be placed in responsible charge.

(b) References for specific applications shall be provided as follows:

1. Engineer-in-training applicants: A minimum of three references shall be required, of whom at least one shall be a licensed professional engineer in the United States and have personal knowledge of the applicant's experience or training.
2. Professional engineer applicants: A minimum of five references shall be required, of which at least three shall be licensed professional engineers in the United States having direct personal knowledge of the applicant's experience or training. The professional references for that portion of the applicant's experience constituting the minimum experience required for licensure shall be professional engineers who were in responsible charge of that minimum experience. If the number of experience engagements necessary to constitute the minimum experience requires more than three professional references to confirm such experience, such additional professional references shall be required. Special circumstances may be considered by the Board at the time of application in such cases where a licensed professional engineer in responsible charge of the work being claimed by the applicant is not available.
3. Surveyor-in-training applicants: A minimum of three references shall be required of whom at least one shall be a licensed land surveyor in the United States and have personal knowledge of the applicant's experience or training.
4. Professional land surveyor applicants: A minimum of five references shall be required, of which at least three shall be licensed professional land surveyors in the United States having direct personal knowledge of the applicant's experience or training. The professional references for that portion of the applicant's experience constituting the minimum experience required for licensure shall be licensed professional land surveyors who were in responsible charge of that minimum experience. If the number of experience engagements necessary to constitute the minimum experience requires more than three professional references to confirm such experience, such additional professional references shall be required. Special circumstances may be considered by the Board at the time of application in such cases where a licensed professional land surveyor in responsible charge of the work being claimed by the applicant is not available.

13:40-2.14. Language comprehension requirement

(a) Any applicant who received an undergraduate degree from a country where the official language is other than English, prior to taking the examination shall submit to the Board a TOEFL (Test of English as a Foreign Language) certificate with a minimum score of 233 or its equivalent and a TSE (Test of Spoken English) with a minimum score of 50 or its equivalent. This test shall have been taken within two years of application.

(b) The following applicants shall be exempt from the requirements of (a) above:

1. An applicant who is an American citizen at the time of obtaining his or her undergraduate degree from a college or university in a country where the official language is other than English;
2. An applicant who has received an undergraduate degree from a foreign country where the official language is English; or
3. An applicant who has received a graduate degree from a college or university located in the United States.

13:40-2.15. Scheduling of examination

- (a) Upon the timely submission of an application and all supplemental materials as required by N.J.A.C. 13:40-2.1, including references and fees, the application shall be reviewed. If the application and supplemental materials satisfy the requirements of this subchapter, the applicant shall be permitted to take the licensing examination.
- (b) Upon finding an applicant qualified to sit for an examination, the Board shall forward a packet to the applicant advising that the applicant is eligible to take the examination on one of two dates specified within the packet. The applicant shall choose one of the two dates, so indicate in the materials sent by the Board, and return the completed material to the Board along with the examination fee as required by N.J.A.C. 13:40-6.1(a)2. The choice of examination date must be postmarked and mailed to the Board office by the deadline specified in the packet.

13:40-2.16. Comity

- (a) Comity licensure pursuant to N.J.S.A. 45:8-35(1)(e) and 2(d) shall be granted provided that education, experience, and examination requirements for licensure by the issuing agency are comparable to the requirements of the State of New Jersey at the time of the applicant's initial licensure. For purposes of comity licensure, N.J.S.A. 45:8-27 et seq. does not contain an eminence or grandfather clause, nor provide reciprocity with any state, territory or country.
- (b) The out-of-State license relied upon by an applicant for purposes of comity licensure in New Jersey must be current and in good standing. In the case of multiple state licensure, all out-of-state licenses obtained prior to applying for comity licensure in New Jersey must be in good standing whether active or inactive, in order for licensure pursuant to N.J.S.A. 45:8-35(1) (e) and (2)(d) to be granted.
- (c) A record book from the National Council of Examiners for Engineering and Surveying (NCEES) shall be acceptable to the Board only if it is sent directly to the Board office from the National Council of Examiners for Engineering and Surveying. The applicant shall complete the personal data portion of the Board application form in its entirety. The record book shall meet the following requirements:
 - 1. The book shall be labeled with the application number;
 - 2. References over one year old will not be accepted; and
 - 3. All references and transcripts shall be submitted to the Board in conformance with N.J.A.C. 13:40-2.4 through 2.13.

13:40-2.17. Review of examination

- (a) An applicant who has taken the fundamentals of engineering examination, fundamentals of land surveying examination, or the principles and practices of engineering and/or land surveying and the New Jersey Land Surveying examination, may request that his or her examination be hand-scored and review the score tabulations of the examination. The applicant may not personally review the exams.
- (b) An applicant who has taken the principle and practices examination may request to review his or her solution pamphlet and the correct solution answers. The applicant may not retain or photocopy any of the materials provided during the review of the examination.

- (c) All requests for scoring or review must be made in writing within 30 days of the postmark of the scores mailed to the applicant.
- (d) An applicant may not appeal, or request a re-evaluation of any examination.

SUBCHAPTER 3. MISCONDUCT

13:40-3.1. Enumeration of prohibited acts

- (a) Misconduct in the practice of professional engineering or land surveying shall include, without limitation:
 - 1. Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee; accepting any remuneration other than his or her stated recompense for services rendered.
 - 2. Disregarding the safety, health and welfare of the public in the performance of his or her professional duties: preparing or signing and sealing plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project.
 - 3. Advertising his work or merit using claims of superiority which cannot be substantiated.
 - 4. Engaging in any activity which involves him in a conflict of interest, including without limitation:
 - i. A licensee shall inform his client or employer of any business connection, interest or circumstance which might be deemed as influencing his judgment or the quality of his services to the client or employer.
 - ii. When in public service as a member, advisor or employee of a governmental agency, a licensee shall not participate in the deliberations or actions of such agency with respect to services rendered or to be rendered by the licensee or any firm or organization with which he is associated in private practice.
 - iii. A licensee shall not solicit or accept a professional contract from a governmental agency upon which a principal, officer or employee of his firm or organization serves as a member, advisor or employee.
 - iv. A licensee shall not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties.
 - v. A licensee shall not accept compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product.
 - vi. A licensee shall not accept commissions or allowances, directly or indirectly, from contractors or other persons dealing with his client or employer in connection with work for which he is responsible to the client or employer.
 - 5. Affixing his or her *signature and* seal to any plans, specifications, plats or reports or surveys which were not prepared by him or her or under his or her supervision by his or her employees or subordinates.

6. Failure to comply with Federal, state or local laws, rules or regulations relating to the practice of the profession.
7. Permitting or allowing any person not appropriately licensed pursuant to N.J.S.A. 45:8-27 to act for or on behalf of the licensee as his representative, surrogate or agent while appearing before any public or private body for the purpose of rendering professional engineering or land surveyor services.
8. Failure to determine and document the identity of the client prior to commencing any work. All correspondence, contracts, bills shall be addressed to that client, unless expressly directed otherwise, in writing, by the client.
9. Failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
10. Failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions.
11. Failure of a licensee to respond in writing within 30 days to a written communication from the Board of Professional Engineers and Land Surveyors with respect to any investigative inquiry relating to the possible violation of any statute or regulation administered by the Board, and to make available any relevant records with respect to such an inquiry. The 30 day period shall begin on the day when such communication was sent from the Board by certified mail with return receipt requested to the address appearing on the last registration.
12. Rendering engineering or land surveying services and/or professional opinions when not qualified by training, education, and experience in the specific discipline of professional engineering and/or land surveying that is involved.
13. Engaging in any activity which results in suspension, revocation or surrender of a professional license or certification in another jurisdiction.

If a licensee has knowledge or reason to believe that another person or firm may be in violation of or has violated any of the statutes or rules administered by the Board of Professional Engineers and Land Surveyors, he or she shall present such information to the Board in writing and shall cooperate with the Board in furnishing such information or assistance as may be required by the Board.

SUBCHAPTER 4.GENERAL PROVISIONS

13:40-4.1 Notification of change of address; service of process

(a) A licensee of the Board of Professional Engineers and Land Surveyors shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address.

1. All addresses of licensees shall contain street names and numbers. Post office box numbers without street addresses shall not be acceptable.
 - (b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

- (c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purpose of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

13:40-4.2. Scope of practice; home inspections

- (a) An engineer licensed by the Board of Professional Engineers and Land Surveyors may apply to the Board for certification of eligibility for licensure as a home inspector.
- (b) The licensed professional engineer shall submit to the Board an application provided by the Board and the application fee in the amount set forth at N.J.A.C. 13:40-15.23. The licensed professional engineer shall document through submission of the application that the engineer possesses the requisite training, education and experience to conduct home inspections specifically related to the following systems and components:
 - 1. Structural components;
 - 2. Exterior components;
 - 3. Roofing system;
 - 4. Plumbing system;
 - 5. Electrical system;
 - 6. Heating system;
 - 7. Cooling system;
 - 8. Interior component system;
 - 9. Insulation system;
 - 10. Ventilation system;
 - 11. Fireplace system;
 - 12. Solid fuel burning appliances or systems; and
 - 13. Related residential housing component systems.
- (c) The Board shall review the qualifications of the licensed professional engineer to determine whether the engineer is qualified to perform a home inspection pursuant to the requirements of (b) above. If the Board determines that the applicant is qualified to perform home inspections, the Board shall refer the application to the Home Inspection Advisory Committee which shall issue a home inspector license to the engineer in accordance with the requirements of N.J.A.C. 13:40-15.
- (d) Upon issuance of a home inspection license by the Committee, the licensed professional engineer shall be subject to the license fees set forth in N.J.A.C. 13:40-15.23 and shall perform home inspections in accordance with the rules of the Committee as set forth in N.J.A.C. 13:40-15.

SUBCHAPTER 5.LAND SURVEYORS; PREPARATION OF LAND SURVEYS

13:40-5.1. Land surveyors; preparation of land surveys

- (a) The practice of land surveying includes surveying of areas for their correct determination and description and for conveyancing, and for the establishment or reestablishment of land boundaries and the plotting of lands and subdivisions thereof, and such topographical survey and land development as is incidental to the land survey.
 - (b) Prior to conducting a survey, the licensed land surveyor shall obtain all pertinent information and documentation in the client's possession relative to the property to be surveyed. Such information may include, but not be limited to, earlier surveys, record deeds, title reports, original tract maps, public records and State, county or municipal maps. When such information provided is not sufficient to meet the owner's needs, the surveyor shall make all reasonable efforts to obtain all information and documentation needed to render an accurate survey.
 - (c) When a property survey is to be performed, a field survey must be made of the property in question and such field survey shall include all measurements and recording of all data as may be necessary to perform an accurate survey. ¶The licensed land surveyor shall either perform the field survey or exercise sufficient supervision of the work as necessary to fulfill adequately all professional responsibilities.
 - (d) Appropriate corner markers, such as stakes, iron pipes, cut crosses, monuments, and such other markers as may be authorized by (d)2 below, shall be set either by the licensed land surveyor or under the supervision of the licensed land surveyor. Such markers shall be set at each property corner not previously marked by a property marker, unless the actual corner is not accessible.
1. All boundary or corner markers delineating the property surveyed, found or set, must be described on the plat of survey with data provided to show their relation to the property or corner or, if appropriate, to the boundary lines. ¶When a property corner cannot be set because of physical constraints, a witness marker shall be set and so noted upon the plat of survey.
 2. Markers for property corners set by licensed surveyors shall be composed of durable material and be of the minimum length practical to reasonably assure permanence, with a recommended length of 18 inches or more. These markers may include:
 - i. Concrete monuments;
 - ii. Iron pins, one-half inch O.D. or larger;
 - iii. Reinforcing steel bars one-half inch O.D. or larger;
 - iv. Iron pipes, one-half inch O.D. or larger;
 - v. Commercially manufactured iron or aluminum monuments;
 - vi. Brass discs (or similar metal), set in durable material;
 - vii. Nails or spikes set in durable materials;
 - viii. Drill holes in durable materials;
 - ix. Plastic stakes.

The above described marker requirements do not apply to intermediate points set on line or for random traverse points.

3. The marker requirements in (d)2 above do not apply to intermediate points set on line or for random traverse points.
4. In all cases listed in (d)2 above the marker shall be identified with a durable cap, disc, shiner, or other appropriate identifier, bearing the name of the surveyor or firm responsible for setting the corner.
5. All markers set pursuant to (d)2 above shall be detectable with conventional instruments used to find ferrous or magnetic objects.
6. Paragraph 2 of subsection (d) does not apply to individual condominium units where same are composed totally of buildings.
7. Monuments required to be set pursuant to the “Map Filing Law” at N.J.S.A. 46:23-9.10 shall be:
 - i. Composed of concrete, containing ferrous material detectable with conventional metal detecting instruments;
 - ii. At least 30 inches long below finished grade with the top and bottom at least four inches square; and
 - iii. Identified with a durable cap, disc, or shiner bearing the name of the surveyor or firm responsible for setting the monument.
8. In the event a monument as specified in (d)7 above is impracticable to install due to physical conditions, the surveyor shall install the most appropriate material necessary to establish permanent, metal detectable monumentation.
9. In the event it is impossible to set a monument as specified in (d)7 above at the prescribed control points, an offset monument shall be set bearing a plate stamped with the word “offset.”
10. In all cases listed in (d)8 and 9 above, the surveyor shall acknowledge in the monument installation certification, use of substituted material and/or the use of offset monumentation. Proper instrument sights shall be established and complete offset data shall be recorded with the monument certification to the municipality.
 - (e) A plat, also referred to as a plan of survey, shall be prepared either by the licensed land surveyor or under the supervision of the licensed land surveyor. Such plat shall show all matter relevant to a complete and clear exposition of the property.
 - (f) The items which must always be shown are:
 1. Title block complying with N.J.A.C. 13:40-2.1 et seq.;
 2. The State, county and municipality in which the property is located and specific data as provided by the owner identifying the property or other pertinent identifying data as deemed appropriate by the surveyor, including block, lot number and address;
 3. North arrow (with reference used) and scale;
 4. The point of beginning;

5. Metes and bounds of the property in question; all measurements are to be indicated in feet and decimals of a foot except when legal requirements or professional custom and usage require another form of measurement;
6. Property corner markers, both found and set, and the relation of existing markers to the property corner or, if appropriate, to the boundary lines;
7. Street and street names and widths when such streets abut or adjoin the property in question. If the street is not open, the survey should so indicate;
8. Encroachments of structures both on the premises in question and/or adjoining properties;
9. Fences, tree rows, hedges, streams, ditches, building locations, easements and any physical occupation influencing property line determination;
10. In all cases, survey work shall be performed in accordance with currently accepted accuracy standards, but such accuracy standards may be limited by contractual agreements. Such limitations shall be appropriately noted on the final drawing.

(g) Notwithstanding any other provisions of these rules to the contrary, the following items may be omitted where contractual agreements with the client so provide:

1. Areas of established city lots or recorded subdivision map lots, unless the area is recited in the record deed of the property in question;
2. Fences and streams and ditches, unless such fences, streams and ditches are on or in close proximity to the property lines or otherwise affect the property lines in question.
3. Sidewalks, driveways, walkways or other traveled ways, unless such ways affect the property lines in question.
4. Utility lines, easements of right-of-way lines, except when recited in the record deed or when such utility lines, easements of right-of-way lines affect the use of adjacent properties or the property in question;
5. Location and type of building and other structures on the property in question.

(h) When any of the various items listed above are omitted, the plat or plan of survey should indicate in a factual way that such omissions are made.

(i) Upon completing the plat or plan of survey, the licensed land surveyor shall provide the client an agreed upon number of prints of the survey drawing. Such print copies of the plat or plan of survey shall bear the signature and impression seal of the licensed land surveyor. Certification by the licensed land surveyor may be given when requested by the client.

1. The licensed land surveyor shall also supply a description of the property surveyed when the survey is to be used for conveyancing (title transfer or mortgage). This description must be suitable for use in a deed. The description may be by metes and bounds or by reference to a filed plan, block and lot. If a filed plan, block and lot is utilized, the entire title of the filed plan shall be set forth along with, the filed plan number and the date on which the plan was recorded in the office of the County Recording Officer. If there is any deviation from the filed plan to the completed survey, a description by filed plan, block and lot, shall not be utilized. The deed description shall be consistent with both the survey provided and the documentation upon which the survey was based and shall be written in such a manner as to define the boundary lines of

real property unambiguous and sufficient for a surveyor to lay it out on the ground. This description may be reproduced on the survey plat itself or may be by separate document. If the deed description is provided on the survey plat, it must be titled “Deed Description.” If a separate document is provided, the description shall be signed and sealed by the licensed land surveyor responsible for its preparation.

2. The term “referenced” shall not be utilized when referring to a filed plat when it is intended to meet the requirements of supplying the deed description listed in (i)1 above. It shall also be improper to use or reference a municipal tax map to comply with the requirements for deed description by reference to a filed plat. A tax map shall not be deemed a filed plan for the purpose of title transfer.
 - (j) No reproductions or photographic copies of a plan or survey shall be offered or issued by a licensee for use in any court, land transaction or filing in any public agency or office unless such copies shall bear the signature and impression seal of the licensed land surveyor.
 - (k) Tax assessment maps must be prepared by a licensed land surveyor, who is obligated to prepare such maps in full compliance with the legal requirements pertaining to such maps.
 - (l) Failure to comply with the provisions of this subchapter and with applicable State laws and local ordinances may subject the licensed land surveyor to disciplinary action in accordance with N.J.S.A. 45:8-38.
 - (m) Subdivision plats, whether classified as major or minor, preliminary or final, shall be prepared by a licensed land surveyor and shall be based on a new or existing current and accurate survey of the property being subdivided.
1. The licensee shall provide appropriate survey information, as set forth above, to permit a subsequent licensed land surveyor to accurately lay out newly described lots.
2. If a newly described lot will be adjacent to or abutting a perimeter line, the licensee shall ensure that the perimeter line is accurately established on the ground.
3. In all instances, including where deeds are used to record minor subdivisions and/or where an existing plat or plan of survey is used, only the licensee who prepared the boundary map on which the subdivision is based may provide the certification on the subdivision plat that the boundary survey is accurate and was prepared under his or her supervision, as required by the Map Filing Law, N.J.S.A. 46:23-9.11(m), and in accordance with N.J.A.C. 13:40-9, Responsible Charge of Engineering or Land Surveying Work.
 - (n) Maps prepared to show topographic data or planimetric data which also delineate property lines or street right-of-way lines thereon shall be prepared by a licensed land surveyor. Such survey information may be transposed to construction plans or other drawings if duly noted as to the date of the survey, by whom, and for whom it was prepared.

SUBCHAPTER 6. FEES

13:40-6.1 Fee schedule

(a) The following fees shall be charged by the Board:

1. Application fees:

- i. Engineer-in-training \$30.00
 - ii. Professional engineer. \$75.00
 - iii. Land surveyor-in-training \$30.00
 - iv. Land surveyor \$75.00
- 2. Examination fees:
 - i. Engineer-in-training (fundamentals of engineering) \$70.00
 - ii. Professional engineer:
 - (1) Fundamentals \$70.00
 - (2) Specialized training \$85.00
 - iii. Land surveyor:
 - (1) Fundamentals \$70.00
 - (2) Specialized training (Principles of land surveying and New Jersey State portion) \$150.00
- 3. Initial license fee:
 - i. During the first year of a biennial renewal period \$80.00
 - ii. During the second year of a biennial renewal period \$40.00
- 4. Biennial renewal fee \$80.00
- 5. Retired license fee
- 6. Late renewal fee \$50.00
- 7. Reinstatement fee \$125.00
- 8. Reinstatement fee:
 - i. Retired licensee \$40.00
 - ii. No-fee retired licensee \$80.00
- 9. Duplicate license fee \$20.00
- 10. Replacement wall certificate \$40.00
- 11. Continuing competency program review fee:
 - i. For each program provider who seeks approval \$100.00
 - ii. For each course for which a licensee seeks approval \$10.00
- 12. All licensees, and the clerks of each municipality in the State, shall receive without charge one copy of the roster of licensed professional engineers and land surveyors. Additional copies, if and when available, may be purchased at a fee of \$20.00 each.
- 13. Fees shall be nonrefundable and nontransferable.

14. Any applicant who is required under N.J.A.C. 13:40-2 to have his or her degree evaluated must pay via certified check or money order the actual cost of the evaluation.
15. Any applicant who requests an exam review or score tabulation must pay via certified check or money order the actual cost of the review or tabulation.
 - (b) For a Certificate of Authorization issued pursuant to P.L. 1989, c.276, general business corporations offering to provide engineering or land surveying services in New Jersey shall pay a fee of \$120.00 for a biennial period, or \$60.00 per year. The late renewal fee for Certificate of Authorization is \$50.00. The reinstatement fee for Certificate of Authorization is \$125.00.

SUBCHAPTER 7. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS

13:40-7.1. General provisions

- (a) Definitions: All words, terms, and phrases shall be as defined in the Municipal Land Use Act, N.J.S.A. 40:55D et seq.
- (b) Preparation and submission of the various elements of a preliminary or final site plan or major subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

13:40-7.2. Depiction of existing conditions on a site plan

- (a) Survey: Showing existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations, and easements: By a land surveyor.
1. Survey information may be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. A signed and sealed copy of the survey shall be submitted to the reviewing governmental body with the site plan submission.
 - (b) Vegetation, general flood plain determination, or general location of utilities, buildings, or structures: By an architect, planner, engineer, land surveyor, certified landscape architect, or other person acceptable to the reviewing governmental body. 13:40-7.3

13:40-7.3. Preparation of site plan

- (a) The location of proposed buildings and their relationship to the site and the immediate environs: By an architect or engineer.
- (b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer, or certified landscape architect.
- (c) Drainage facilities for site plans of 10 acres or more; or involving stormwater detention facilities; or traversed by a water course: By an engineer only.
- (d) Other drainage facilities: By an architect or engineer.
- (e) Utility connections and on tract extensions: By an engineer or architect.
- (f) Off tract utility extensions: By an engineer only.

- (g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.
- (h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.
- (i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, certified landscape architect, or other person acceptable to the reviewing governmental body.
- (j) The general layout of a conceptual site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner, engineer, or certified landscape architect.

13:40-7.4. Preparation of a major subdivision plan

- (a) The general location of facilities, site improvements, and lot layouts: By an architect, engineer, land surveyor, planner, or certified landscape architect.
- (b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.
- (c) Final subdivision map with metes and bounds: By a land surveyor only.

13:40-7.5. Effect of local ordinances

- (a) Informal site plans, not required by local ordinances are excluded from this rule.
- (b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners, or certified landscape architects in the preparation of site plans or major subdivision shall reduce or expand the scope of professional practice recognized by the boards.

SUBCHAPTER 8. MAINTENANCE OF PROJECT RECORDS

13:40-8.1. Release of project records

- (a) As used in this subchapter, the term “records” shall include, but not be limited to, any plans, reports, documents, field notes, or other items of work product generated for an engineering or land surveying project as contractually defined which would be reasonably necessary to the completion of the project for which the professional engineer or land surveyor was originally retained.
- (b) Originals of records shall remain in possession of the professional engineer or land surveyor unless otherwise provided by statute or written contractual agreement.
- (c) The client of a professional engineer or land surveyor shall be entitled to complete copies of all records generated for the engineering and/or land surveying project within a reasonable period of time after forwarding a written request to the professional engineer or land surveyor and upon payment of such proportion of fees as reflect the extent of all services performed.

1. Such copies may be signed but shall not be sealed where data utilized as the basis for the preparation of same may have changed since the date the documents were originally prepared.
2. A disclaimer shall be put on said documents which indicates that the data utilized in the documents may have changed. The disclaimer shall read as follows:

“This drawing/map/plat reflects conditions as of (insert place, date of the original drawing/map/plat) and may not show current conditions as of (insert the present date).”

- (d) The professional engineer or land surveyor shall be compensated for the reasonable costs of research and reproduction for copies of records released pursuant to this rule.

SUBCHAPTER 9. RESPONSIBLE CHARGE OF ENGINEERING OR LAND SURVEYING WORK

13:40-9.1. Supervision of subordinates; maintaining records of adequate supervision; acts reflecting inadequate supervision

- (a) A licensee in responsible charge of an engineering or land surveying project shall render regular and effective supervision to those individuals performing services which directly and materially affect the quality and competence of engineering or land surveying work rendered by the licensee.
- (b) A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of an engineering or land surveying project of which he was in responsible charge.
- (c) A licensee engaged in any of the following acts or practices shall be deemed not to have rendered the regular and effective supervision required herein:
 1. The regular and continuous absence from principal office premises from which professional services are rendered; except for performance of field work or presence in a field office maintained exclusively for a specific project;
 2. The failure to personally inspect or review the work of subordinates where necessary and appropriate;
 3. The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of an appropriate detailed review;
 4. The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

SUBCHAPTER 10. CONTRACT TO PROVIDE PROFESSIONAL SERVICES; CERTIFICATION OF AUTHORIZATION

13:40-10.1. Contract requirement

- (a) Any business corporation which does not have an officer or full time employee who is licensed as a professional engineer and/or land surveyor in this State and which offers or renders such services shall, prior to the offer or rendering of any such service, have a written contract with a New Jersey licensed professional engineer or land surveyor, and have obtained a certificate of authorization pursuant to N.J.S.A. 45:8-56. Such written contract shall clearly indicate the licensee to be in responsible charge of the engineering or land surveying services. For the purposes of this subchapter, full-time employment is

the amount of employment necessary to provide effective supervision of the work performed as required throughout N.J.A.C. 13:40.

- (b) A licensed professional engineer or a licensed land surveyor rendering engineering or surveying services for a business corporation which is required to obtain a certificate of authorization pursuant to N.J.S.A. 45:8-56 shall not perform such services unless he or she is an officer or a full time employee of the corporation or has a written contract with the corporation prior to rendering professional services and is listed as being in responsible charge on the corporation's certificate of authorization.
- (c) Any corporation that offers or renders engineering and land surveying services without a Certificate of Authorization or with a lapsed Certificate of Authorization shall be subject to civil penalties as authorized by N.J.S.A. 45:1-25. This subsection shall not apply to a professional service corporation established pursuant to the "Professional Service Corporation Act," N.J.S.A. 14A:17-1 et seq.

SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY

13:40-11.1. Continuing professional competency requirements; failure to comply

Any land surveyor who fails to comply with the continuing professional competency requirements set forth in this subchapter shall be subject to the penalties set forth in N.J.S.A. 45:8-35.9.

13:40-11.2. Definitions

As used in this subchapter, the following terms shall have the following meanings:

"Approved course or activity" means any course or activity with a clear technical purpose and objective or whose purpose and objective is to enhance the skills and knowledge in ethical and business practices, which will maintain, improve or expand skills and knowledge and develop new and relevant technical skills and knowledge in the discipline being practiced by the licensee.

"College/unit semester/unit quarter/hour" means the credit for an ABET (Accreditation Board for Engineering and Technology) approved course or other related college course approved in accordance with N.J.A.C. 13:40-11.6(a)1.

"Continuing education unit" (CEU) means the unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours of instruction in an approved continuing education course.

"Contact hour" means 50 minutes of in-class instruction and participation.

"Professional development hour" (PDH) means one contact hour of professional/technical development in seminars, conferences or workshops. A PDH is the common denominator for other units of credit.

13:40-11.3. Credit-hour requirements

- (a) Each applicant for license renewal shall be required to have completed, during the preceding biennial period, a minimum of 24 professional development hours (PDHs).
- (b) A maximum of eight PDHs may be carried over into a succeeding biennial renewal period.

13:40-11.4. Approval of course offerings

- (a) A continuing competency provider may receive approval for a continuing competency course or program pursuant to the provisions of N.J.A.C. 13:40-11.11 and 11.12. Prior to the offering of the course or program, the provider may apply for approval. However, the provider may apply also after the event to eliminate the need for individual licensees to apply under (b) below.
- (b) A licensee seeking to take a course or program which the provider has not had pre-approved by the Board may apply to the Board for pre-approval or post-approval of the course or program offering. The licensee shall submit information similar to that which is required to be supplied by course providers pursuant to N.J.A.C. 13:40-11.11(b).
- (c) The Board shall maintain a list of all approved programs and courses at the Board offices and shall furnish this information upon request.
- (d) An individual, group or association seeking course or program approval may impose a reasonable differential in course or program fees based upon membership within a group or association. However, in no event shall a sponsoring individual, group or association completely exclude from the course or program any licensee who is not a member of the group or association.

13:40-11.5. Continuing competency programs and other sources of continuing competency credits

- (a) The Board shall grant credit for successful completion of the following, provided that the course or program meets the criteria of N.J.A.C. 13:40-11.11 and that any other source of credit directly and materially relates to the practice of land surveying:
 - 1. College courses;
 - 2. Continuing education courses;
 - 3. Correspondence, televised, videotaped and other short courses/tutorials;
 - 4. Seminars, in-house courses, workshops and technical programs at professional meetings and conferences;
 - 5. Teaching or instruction in (a)1, 2 and 4 above;
 - 6. Published papers, articles or books authored by the licensee; and
 - 7. A land surveying examination in another jurisdiction.

13:40-11.6. Credit calculation

- (a) Credit for PDHs will be granted as follows for each biennial renewal period:
 - 1. Successful completion of approved college level courses;
 - i. Fifteen PDHs for each semester hour credit awarded by the college; or
 - ii. Ten PDHs for each quarter hour credit awarded by the college;
 - 2. Successful completion of approved continuing education courses: 10 PDHs for each continuing education unit (CEU);

3. Successful completion of approved correspondence, televised, videotaped and other short courses/tutorials:
 - i. The amount of credit to be allowed for approved correspondence and individual study programs, including taped study programs, shall be recommended by the program provider based upon one-half the average completion time calculated by the provider after it has conducted appropriate “field tests.” Although the program provider must make recommendations concerning the number of credit hours to be granted, the number of credit hours granted shall be determined by the Board; and
 - ii. Credit for approved correspondence and other individual study programs will be given only in the renewal period in which the course is completed with a successful final examination;
4. Active participation in and successful completion of approved seminars, in-house courses, workshops and technical programs at professional meetings and conferences: one PDH for each hour of attendance at an approved course. Credit will not be granted for courses which are less than one contact hour in duration. Completion of an entire course is required in order to receive any credit;
5. Teaching or instruction in (a)1, 2 and 4 above:
 - i. Service as an instructor, or workshop leader: one PDH for each instructional hour;
 - ii. The instructor or workshop leader will be given no credit for subsequent sessions in the same year involving substantially identical subject matter, except that after one year has elapsed the Board may give one additional PDH for each instructional hour of service as an instructor or workshop leader for the initial presentation, provided the original material has been updated; and
 - iii. The maximum credit given for service as an instructor or workshop leader may not exceed 50 percent of the required PDHs for any biennial renewal period;
6. Authoring published papers, articles or books on technical surveying subjects that contribute to the professional competence of surveyors: one PDH may be requested for each hour of preparation time on a self-declaration basis, not to exceed a total of 25 percent of the biennial requirement. A copy of the publication shall be submitted to the Board with the request for credit; and
7. Successfully passing a land surveying examination in another jurisdiction: one PDH for each hour of examination. All parts of the examination must be passed to receive credit for any part. The maximum credit given for successfully passing a land surveying examination in another jurisdiction may not exceed three PDHs for each biennial renewal period.

13:40-11.7. Reporting and documenting of PDHs

- (a) At the time of application for biennial land surveyor license renewal, licensees shall provide, on forms approved by the Board, a signed statement certifying that the required number of PDHs has been completed. The statement shall include where applicable the following:
 1. The dates attended;
 2. PDHs claimed;

3. The title of the course and a description of its content;
 4. The school, firm, or organization providing the course;
 5. The instructor; and
 6. The course location.
- (b) Licensees shall maintain all evidence, as set forth in (e) below, of completion of PDH requirements for two biennial periods after completion and shall submit such documentation to the Board upon request.
 - (c) Failure to maintain records or falsification of any information submitted with the renewal application may result in an appearance before the Board and, upon notice to the licensee and the opportunity for a hearing, penalties and/or suspension of the license.
 - (d) The Board will review the records of licensees from time to time, on a random basis, to determine compliance with continuing competency requirements.
 - (e) Documentation of continuing competency requirements shall consist of the following:
 1. A log showing the type of activity claimed, providing organization, location, duration, instructor's or speaker's name and credits claimed;
 2. Attendance verification records in the form of college transcripts, completion certificates, paid receipts, and any other documents supporting evidence of attendance;
 3. For publications, submission of the published article; and
 4. For teaching, a statement of appropriate authority verifying the activity.

13:40-11.8. Waiver of continuing competency requirement

- (a) The Board may, in its discretion, waive continuing competency requirements on an individual basis for reasons of hardship, such as illness or disability, or other good cause.
- (b) Any licensee seeking a waiver of the continuing competency requirement shall apply to the Board in writing 90 days prior to renewal of licensure and set forth with specificity the reasons for requesting the waiver. The licensee shall also provide the Board with such additional information as it may reasonably request in support of the waiver request.
- (c) A new licensee by way of examination shall have all continuing competency requirements waived for the first renewal period.
- (d) A new licensee by way of comity shall be responsible at the first biennial renewal for one PDH for each month since the New Jersey license was issued.
- (e) A licensee serving on active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a calendar year shall have all continuing competency requirements waived for that year.

13:40-11.9. License restoration

The failure on the part of a licensee to renew his or her biennial certificate as required shall not relieve such person of the responsibility to maintain professional competence. At the time of application for restoration, the licensee shall submit satisfactory proof to the Board that he or she has

successfully completed all delinquent PDHs. If the total credits required to become current exceeds 30, then 30 shall be the maximum number required. However, an additional 24 PDHs will still be required at the next biennial renewal.

13:40-11.10. Out-of-jurisdiction resident

Licensees who are residents of jurisdictions other than New Jersey must meet the continuing professional competency requirements for their resident jurisdiction. The requirements for New Jersey will be deemed as satisfied when a licensee provides evidence of having met the requirement of his or her resident jurisdiction, provided the requirements are not less than 24 PDHs per biennial renewal period. If the licensee resides in a jurisdiction that has no continuing professional competency requirements, the licensee must meet the requirements of New Jersey.

13:40-11.11. Criteria for continuing competency programs

- (a) A course of acceptable subject matter shall directly and materially relate to the practice of land surveying, shall have the purpose and objective to maintain, improve or expand skills and knowledge or enhance skills and knowledge in ethics and business practices related to the profession of land surveying, and shall be:
 - 1. A formal course of learning which contributes directly to the maintenance of professional competence of a licensee;
 - 2. At least one instructional hour in duration; and
 - 3. Conducted by a qualified instructor or workshop leader.
- (b) A program provider or a licensee seeking Board approval for a course of acceptable subject matter shall submit the following to the Board:
 - 1. The program provider fee (for providers) or program review fee (for licensees) as set forth in N.J.A.C. 13:40-6.1; and
 - 2. Information to document the elements of (a) above, in writing and on a form provided by the Board, including, but not limited to:
 - i. A detailed description of course content and estimated hours of instruction; and
 - ii. The curriculum vitae of the lecturer, including specific background which qualifies the individual as a lecturer of repute in the area of instruction.
- (c) Courses which meet the requirements set forth in (a) above shall be approved for continuing competency credit if taught by:
 - 1. Undergraduate, post-graduate or adjunct instructors from accredited educational institutions with five years of experience in the lecture subject. ¶The curriculum vitae must reflect the instructor's status and experience;
 - 2. Recognized authorities in the specific subject areas with five years of experience in the lecture subject whose expertise is documented and approved by the Board;
 - 3. Licensees with five years experience in specific subject areas whose expertise is documented and approved by the Board; or
 - 4. Any of the above with less than five years experience who submit curriculum vitae, and are evaluated and approved by the Board on a case-by-case basis.

13:40-11.12. Responsibilities of program providers

(a) Program providers shall:

1. Select and assign qualified instructors for the program;
2. Assure that the number of participants and the physical facilities are consistent with the teaching methods to be utilized;
3. Disclose in advance to prospective participants the course objectives, prerequisites, experience level, content, required advanced preparation, teaching method, and number of PDH or CEU credits involved in the program;
4. Solicit evaluations from both the participants and the instructor at the conclusion of each program. Evaluations may take the form of pre-tests for advanced preparation, post-tests for effectiveness of the program, questionnaires completed at the end of the program or later, oral feedback from participants to the instructor or provider or such other mechanism as may be appropriate to an effective evaluation. Programs should be evaluated to determine whether:
 - i. Objectives have been met;
 - ii. Prerequisites were necessary or desirable;
 - iii. Facilities were satisfactory;
 - iv. The instructor was effective;
 - v. Advanced preparation materials were satisfactory; and
 - vi. The program content was timely and effective;
5. Evaluate the performance of the instructors at the conclusion of each program to determine their suitability for continuing to serve as instructors and advise instructors of their performance;
6. Systematically review the evaluation process to ensure its effectiveness;
7. Furnish to each enrollee a verification of attendance, which shall include at least the following information:
 - i. The title, date and location of the course offering;
 - ii. The name and license number of the attendee;
 - iii. The number of credits awarded; and
 - iv. The name and signature of officer or responsible party and seal of the organization;
8. Maintain and retain accurate records of attendance for a six-year period; and
9. Retain a written outline of course materials for a six-year period.

SUBCHAPTER 12. RETIRED LICENSE AND NO-FEE RETIRED LICENSE STATUS

13:40-12.1. Eligibility requirements

- (a) A licensed professional engineer or land surveyor who has been licensed for a minimum of 25 years and is at least 62 years of age may apply to the Board for status as a retired licensee or a no-fee retired licensee.

- (b) A licensee who obtains retired license status or no-fee retired license status shall not offer or practice professional engineering or land surveying within the State.

13:40-12.2. Retired licensee; application; entitlement

- (a) A licensee who seeks retired license status shall forward to the Board the following:
 1. A completed application form furnished by the Board which contains the licensee's current address, telephone number, and information concerning disciplinary matters; and
 2. The retired license fee pursuant to N.J.A.C. 13:40-6.1.
- (b) The Board shall review the submission set forth in (a) above and if the applicant meets the requirements of N.J.A.C. 13:40-12.1(a), the Board shall declare the licensee retired and place the licensee on the retired status list.
- (c) Each retired licensee shall be entitled to the following:
 1. A retired licensee may use the designation "Ret." following his or her name;
 2. The name of each retired licensee shall appear in the annual roster of licensees;
 3. Each retired licensee shall receive a certificate from the Board; and
 4. Each retired licensee shall receive any mailings from the Board that are sent to active licensees.
- (d) Each retired licensee who wishes to maintain retired status shall renew the license biennially, and shall remit the retired license fee pursuant to N.J.A.C. 13:40-6.1.

13:40-12.3. No-fee retired licensee

- (a) A licensee who seeks no-fee retired licensee status shall submit a completed application form furnished by the Board which contains the licensee's current address, telephone number, and information concerning disciplinary matters.
- (b) The Board shall review the submission as set forth in (a) above. If the applicant meets the requirements of N.J.A.C. 13:40-12.1(a), the Board shall declare the licensee retired, and shall place the licensee on the retired status list. The licensee shall not be required to renew the no-fee status biennially.

13:40-12.4. Resumption of practice

- (a) A professional engineer or land surveyor holding retired license status or no-fee retired license status who wishes to resume the practice of professional engineering or land surveying shall forward the following to the Board:
 1. A completed resumption of practice application form furnished by the Board which contains the licensee's current address, telephone number, details of any disciplinary matters, information concerning whether the licensee has signed and sealed any projects while on retired status, and proof of current competency pursuant to (a)3 below;
 2. The reinstatement fee for retired licensees or no-fee retired licensees pursuant to N.J.A.C. 13:40-6.1; and
 3. For a professional engineer or land surveyor who has been on the retired status list for five or more years, satisfactory evidence of current knowledge, competency and skill in the practice of professional engineering or land surveying as follows:

- i. Each retired professional engineer shall provide information on the resumption of practice application regarding current knowledge, competency, and skill. The Board shall review the information submitted by the applicant and determine if the applicant has demonstrated the ability to practice engineering in such a way so as to insure the safety of life, health, and property.
- ii. Each retired land surveyor seeking to resume practice shall furnish proof of completion of a minimum of 24 PDHs earned within two years prior to the application for resumption of practice.

CHAPTER 45C. UNIFORM REGULATIONS

SUBCHAPTER 1. LICENSEE DUTY TO COOPERATE AND TO COMPLY WITH BOARD ORDERS

13:45C-1.1. Applicability, scope and definitions

- (a) This subchapter shall apply to all licensees of any board, committee or sub-unit within the Division of Consumer Affairs.
- (b) For the purpose of this subchapter, “”licensee” shall mean any licensee, permittee, certificate holder or registrant of:
 - 1. The Division of Consumer Affairs;
 - 2. Any professional or occupational licensing board within the Office of Professional/ Occupational Boards and any committee, or other subunit of a board or committee located within the Division;
 - 3. The Office of Consumer Protection; or
 - 4. The Legalized Games of Chance Control Commission.

13:45C-1.2. Licensee’s duty to cooperate in investigative inquiries

- (a) A licensee shall cooperate in any inquiry, inspection or investigation conducted by, or on behalf of, a board, the Director or the licensee’s licensing agency into a licensee’s conduct, fitness or capacity to engage in a licensed profession or occupation where said inquiry is intended to evaluate such conduct, fitness or capacity for compliance with applicable statutory or regulatory provisions.
- (b) A licensee’s failure to cooperate, absent good cause or *bona fide* claim of a privilege not identified in N.J.A.C. 13:45C-1.5 as unavailable, may be deemed by the board, the Director, or the licensing agency to constitute professional or occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) or the agency’s enabling act and thus subject a licensee to disciplinary action pursuant to N.J.S.A. 45:1-21(h) or the agency’s enabling act.

13:45C-1.3. Specific conduct deemed failure to cooperate

- (a) The following conduct by a licensee may be deemed a failure to cooperate and, therefore, professional or occupational misconduct and grounds for suspension or revocation of licensure:
 - 1. The failure to timely respond to an inquiry to provide information in response to a complaint received concerning licensee conduct;
 - 2. The failure to timely provide records related to licensee conduct;
 - 3. The failure to attend any scheduled proceeding at which the licensee’s appearance is directed. In the event that a licensee elects to retain counsel for the purpose of representation in any such proceeding, it shall be the licensee’s responsibility to do so in a timely fashion. The failure of a licensee to retain counsel, absent a showing of good cause therefor, shall not cause an adjournment of the proceeding;

4. The failure to timely respond or to provide information requested pursuant to a demand under N.J.S.A. 45:1-18 or other applicable law or to provide access to any premises from which a licensed profession or occupation is conducted. Included within this paragraph shall be the failure to respond to any demand for statement or report under oath, the failure to permit the examination of any goods, ware or item used in the rendition of the professional or occupational service and the failure to grant access to records, books or other documents utilized in the practice of the occupation or profession;
5. The failure to answer any question pertinent to inquiry made pursuant to N.J.S.A. 45:1-18 or other applicable law unless the response to said question is subject to a *bona fide* claim of privilege;
6. The failure to make proper and timely response by way of appearance or production of documents to any subpoena issued pursuant to N.J.S.A. 45:1-18 or as may otherwise be provided by law; or
7. The failure to provide to the Board, the Director or the licensing agency timely notice of any change of address from that which appears on the licensee's most recent license renewal or application.

13:45C-1.4. Failure to comply with Board orders as professional or occupational misconduct

The failure of a licensee to comply with an order duly entered and served upon the licensee or of which the licensee has knowledge shall be deemed professional or occupational misconduct.

13:45C-1.5. Unavailability of privileges in investigative or disciplinary proceedings

- (a) In any investigative inquiry conducted pursuant to N.J.S.A. 45:1-18 or in any disciplinary proceeding conducted pursuant to N.J.S.A. 45:1-21, or as may otherwise be authorized by law, the physician-patient privilege, psychologist-patient privilege, marriage and family therapist-client privilege, professional counselor-client privilege, associate counselor-client privilege, social worker-client privilege and the alcohol and drug counselor-client privilege shall be unavailable.
- (b) Any statements or records otherwise subject to a claim of the stated privileges which may be obtained by the Board, its agent or the Attorney General pursuant to N.J.S.A. 45:1-18 shall remain confidential and shall not be disclosed unless so ordered by a court of competent jurisdiction, the appropriate licensing board or the Office of Administrative Law in a contested case.

13:45C-1.6. Maintenance of and access to statements, records or other information that is subject to a privilege declared unavailable

- (a) Any statements, records or other information which may be subject to any privilege declared unavailable in this subchapter shall be maintained in a secure place and manner by:
 1. The evidence custodian within the Division of Consumer Affairs, Enforcement Bureau;
 2. The professional or occupational licensing board and the committee or other subunit of a board or committee located within the Division which has a direct connection with, or a need for access to, the matter to which the statements, records or other information pertain; or

3. A Deputy Attorney General.

- (b) Except as may be otherwise ordered as provided in the subchapter, access to statements, records or other information shall be afforded only to employees of the Attorney General, the Enforcement Bureau, or the Board or other subunit of the Division having a direct connection with, or a need for access to, the matter to which the statement, records or other information pertain.
- (c) The statements, records or other information shall be retained only for the period of time during which an investigation remains open or until the completion of all administrative or judicial proceedings relating thereto, at which time they shall be returned to the licensee or other person from whom they were obtained. ÇIn the absence of such licensee or other person, the statements, records or other information shall be returned to the patient, where appropriate.

Notice

Please refer to the Board's website at :
<http://njconsumeraffairs.gov/nonmedical/pels.htm>
for any changes to its statutes & regulations
which may not be
included here.

**NEW JERSEY STATE BOARD OF
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P.O. Box 45015
Newark, NJ 07101
(973) 504-6233**

**CONTINUING COMPETENCY APPROVAL FORM
(please type or print form legibly)**

Sponsor: _____

Address: _____

Name of Contact Person: _____ **Telephone Number:** _____

Course Name: _____ **Course Dates:** _____

Total Length of Course / Seminar in Hours: _____

**(In order to receive one PDH a course/seminar must be 50 minutes of class instruction)*

Instructor's Names: _____

**(Attach a copy of curriculum vitae (resume) for each instructor)*

Pursuant to N.J.A.C. 13:40-11.11(b)2ii - The curriculum vitae of the lecturer, including specific background which qualifies the individual as a lecturer of repute in the area of instruction must be submitted.

Course Site Location: _____

Attach a copy of the Course Description: _____

Pursuant to N.J.A.C. 13:40-11.11(b)2i - A detailed description of course content and estimated hours of instruction must be submitted. (Do Not Send Course Outlines)

Submitted By: _____ **Address:** _____

Please check one:

☐

I am the course sponsor

(Sponsors must submit a fee of \$100.00 to cover all courses offered during the biennial licensing period ending April 30, 2006)

☐

I am an individual licensee seeking approval of a course

(Individual licensees must submit a fee of \$10.00 per course)

Office Use Only

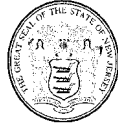
Approved by Committee: _____

Date: _____

Approved by _____

Course # _____

PDH Total _____



New Jersey Office of the Attorney General
Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
124 Halsey Street, 3rd Floor, P.O. Box 45015
Newark, New Jersey 07101
(973) 504-6460

Complaint Process

As a unit of the Division of Consumer Affairs, the State Board of Professional Engineers and Land Surveyors (Board), takes its responsibility seriously. A copy of the complaint will be forwarded to the licensee with a cover letter from the Board requiring a detailed written response to the allegations in the complaint. Once that response has been received, it will be reviewed and disposition may be recommended. If the Board needs additional information, the licensee may be required to appear to answer questions concerning the matter.

Please be advised that any information you supply on the complaint form may be subject to public disclosure. If an investigation into the matter is conducted, the information is subject to public disclosure only after the completion of the investigation. You are also advised that the completed complaint form is a "government record," which the Committee may be obligated to provide to anyone making a request pursuant to the Open Public Records Act (OPRA).

The disposition of the matter may take several months. Please understand that the Board can only take formal action if it finds sufficient basis that the licensee violated State laws or regulations. If the Board determines that formal action is required, the matter is referred to the office of the Attorney General. In that case, formal charges may be filed against the licensee and the licensee will be given an opportunity to defend himself or herself. This process can take a considerable period of time.

If the complaint involves a dispute over fees, please be advised that the Board has limited jurisdiction over fees charged by professionals. If the Board determines that there is insufficient basis to pursue disciplinary action, but determines that the matter involves a fee dispute, your complaint may be referred to the Alternative Dispute Resolution (ADR) Unit of the Division of Consumer Affairs. The ADR is a free mediation service that can be helpful in resolving such matters.

Until a final determination has been made, the Board is not permitted to disclose information regarding the matter. You will be notified in writing when a final determination has been made.



New Jersey Office of the Attorney General
Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
124 Halsey Street, 3rd Floor, P.O. Box 45015
Newark, New Jersey 07101
(973) 504-6460

Complaint Form

Please print clearly.

Please be advised that any information you supply on this complaint form may be subject to public disclosure. If an investigation into the matter is conducted, the information is subject to public disclosure only after the completion of the investigation. You are also advised that the completed complaint form is a "government record," which the Board may be obligated to provide to anyone making a request pursuant to the Open Public Records Act (OPRA).

Consumer Information

Complaint Reported Against

NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____ ZIP CODE: _____
HOME TELEPHONE NUMBER: _____
(include area code)
WORK TELEPHONE NUMBER: _____
(include area code)
FAX NUMBER: _____
E-MAIL ADDRESS: _____
DATE: _____

NAME: _____
BUSINESS NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____ ZIP CODE: _____
TELEPHONE NUMBER: _____
(include area code)
TITLE: _____
LICENSE NUMBER (IF KNOWN): _____
DATES OF TREATMENT/SERVICE:
FROM: _____ TO: _____

1. What is the relationship between the complainant and the consumer or patient?

- | | |
|---|---|
| <input type="checkbox"/> Self | <input type="checkbox"/> Spouse |
| <input type="checkbox"/> Parent | <input type="checkbox"/> Son/Daughter |
| <input type="checkbox"/> Friend | <input type="checkbox"/> Brother/Sister |
| <input type="checkbox"/> Legal Guardian | <input type="checkbox"/> Other (please specify) _____ |

2. Please provide the following information about the consumer or patient if he or she is someone other than the complainant.

Name: _____ Date of birth: _____
Month Day Year
Address: _____
Street address City State ZIP code
Home telephone number: _____ Work telephone number: _____
(include area code) (include area code)

3. Please provide the following information about any other practitioner or licensee involved in the matter about which you are filing a complaint.

Name: _____

Title: _____ License number: _____

Address: _____
Street address City State ZIP code

Telephone number: _____
(include area code)

Name: _____

Title: _____ License number: _____

Address: _____
Street address City State ZIP code

Telephone number: _____
(include area code)

4. Please provide the following about anyone who was a witness to the matter about which you are filing a complaint.

Name: _____

Address: _____
Street address City State ZIP code

Daytime telephone number: _____ Evening telephone number: _____
(include area code) (include area code)

Name: _____

Address: _____
Street address City State ZIP code

Daytime telephone number: _____ Evening telephone number: _____
(include area code) (include area code)

5. What is the nature of the complaint? *(Please check all that apply and provide any additional comments on a separate sheet of paper.)*

☐ Administrative/Recordkeeping

☐ Advertising

☐ Fees/Billing Practices

☐ Fraud

☐ Incompetence

☐ Insurance Fraud

☐ Professional/Occupational Misconduct

☐ Sexual Misconduct

☐ Substance Abuse/Impairment

☐ Unlicensed Practice

☐ Briefly explain the problem if it is not listed above: _____

6. Please describe the facts of your complaint in the order in which they happened. Please print clearly. You may use additional sheets of paper if they are needed.

7. Please describe any action taken to resolve this matter prior to contacting the Board. Please print clearly. You may use additional sheets of paper if they are needed.

All complaints must be accompanied by **readable copies** (NO ORIGINALS) of any complaint-related contracts, bills, receipts, canceled checks, correspondence or any other documents you feel are related to your complaint.

8. I certify that the statements made by me in this complaint are true and any documents attached are true copies. I am aware that if any statements made by me are willfully false, I am subject to punishment.

Signature*

Date

Return to:

Divison of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
P.O. Box 45015
Newark, NJ 07101

* This certification must be signed by the person who has completed this form.

2/8/05



RICHARD J. CODEY
Acting Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
124 Halsey Street, 3rd Floor, Newark, NJ 07102
www.njconsumeraffairs.com



PETER C. HARVEY
Attorney General

Kimberly S. Ricketts
Acting Director

Mailing Address:
P.O. Box 45015
Newark, NJ 07101
(973) 504-6460
FAX: (973) 273-8020

IMPORTANT NOTICE TO ALL PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Re: Certificate of Authorization

Please be advised that any corporation (except a professional service corporation established pursuant to the Professional Service Corporation Act, N.J.S.A. 14A:17-1 et seq.), offering or providing professional engineering and/or land surveying services in the State of New Jersey **MUST OBTAIN A CERTIFICATE OF AUTHORIZATION** from the State Board of Professional Engineers and Land Surveyors to perform these functions. Any corporation offering or providing said services without the requisite Certificate of Authorization is in violation of N.J.S.A. 45:8-56.

Very truly yours,

Arthur Russo

Arthur Russo
Executive Director
State Board of Professional Engineers
and Land Surveyors



RICHARD J. CODEY
Acting Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
124 Halsey Street, 3rd Floor, Newark, NJ 07102
www.njconsumeraffairs.com



PETER C. HARVEY
Attorney General

Kimberly S. Ricketts
Acting Director

Mailing Address:
P.O. Box 45015
Newark, NJ 07101
(973) 504-6460
FAX: (973) 273-8020

CERTIFICATE OF AUTHORIZATION INSTRUCTION SHEET

- ** The form must be typewritten or printed clearly, separate sheets may be used for additional information. Please provide a telephone number.
 - ** An application fee of \$120.00, made payable to the Board of Professional Engineers and Land Surveyors, must be submitted with the application. **(THE TWO YEAR REGISTRATION FEE FOR THE PERIOD SEPTEMBER 1, 2004 TO AUGUST 31, 2006 IS \$120.00). ONE YEAR REGISTRATION FEE S ARE REDUCED TO \$60.00.**
 - ** A notary seal is required in the two areas provided on page two of the form. Also provide two signatures of a Responsible Charge Licensee and a Corporate Officer where indicated.
 - ** A **Certificate of Good Standing** issued by the New Jersey Department of Treasury is required with all applications, both domestic (a New Jersey corporations) and foreign (out of state corporations). To obtain a Certificate of Good Standing call the Department of Treasury at (609) 292-9292 and request for a (Short Form Standing), which is the Certificate of Good Standing. Foreign corporations may need to request for a Certificate of Authority to do business in New Jersey before obtaining a Certificate of Good Standing.
 - ** **Foreign corporations** (out of state corporations) **must also** present a Certificate of Good Standing issued by the state in which the business was incorporated.
- ANY CHANGES (CORPORATE ADDRESS, ADDRESS OF RECORD, IF DIFFERENT, PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR IN RESPONSIBLE CHARGE, CORPORATE OFFICERS, ETC.) MUST BE REPORTED IN WRITING WITHIN THIRTY DAYS OF THE CHANGE.**
- ** Return the Certificate of Authorization application along with the Certificate of Good Standing(s) to the following address:
- BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Po Box 45015
NEWARK, NJ 07101**
- ** Once your Certificate of Authorization application has been approved, you will be issued a Certificate number, that certificate number must also be indicated in your Title Block.
 - ** **NOTE:** Applications not signed, notarized, dated or received without Certificates of Goods Standings will be returned.

New Jersey Is An Equal Opportunity Employer - Printed on Recycled Paper and Recyclable

**PLEASE INDICATE A (DESIGNATED RESPONSIBLE CHARGE LICENSEE) AS THE CONTACT PERSON WHO WILL
RECEIVE ALL CORRESPONDENCE FROM THE BOARD.**

BUILDING DESIGN SERVICES (PURSUANT TO SECTION 7) GUIDELINES

The board shall issue a Certificate of Authorization to qualified corporations subject to the requirements of subsection a. of section 7 of P.L. 1989c. 276 (C.45:8-56) shall, in addition to the requirements provide therein, be subject to the following:

A corporation may offer to provide Building Design Services if:

1. two-thirds (2/3 of the directors shall be professional engineers; and
2. a minimum of 20% of the shares shall be owned by professional engineers.

Professional Service Corporations
(N.J.S.A. 14A:17-1 et seq.) are not required
to obtain a Certificate of Authorization

* **Must complete Details of Ownership** if offering
Building Design Services, consisting of closely allied
professionals (pursuant to Section 8)

State of New Jersey

Department of Law & Public Safety
Division of Consumer Affairs
State Board of Professional Engineers & Land Surveyors
P.O. Box 45015
Newark, NJ 07101

Check as appropriate:
* Engineering
** Land Surveying
** Engineering & Land Surveying
** **Building Design Services***

Application for Certificate of Authorization To Provide or Offer to Provide

1. This form must be typewritten or printed clearly
2. If any space is inadequate, use a separate sheet
3. Enclose a check made payable to the State Board of Professional Engineers & Land Surveyors
4. Business addresses listed on this application must numbered

Instructions

5. Attach a Certificate of Good Standing issued by the New Jersey Department of the Treasury, and also from the original state of incorporation.
6. Return original to the Board office at the above address
7. Biennial renewals of the Certificate of Authorization is required.

Applicant (Name of Corporation)		State of Incorporation		Date of this application	
Address of principal office in State of Incorporation (1)		If a foreign corporation, (out of state) you need Certificate of Authority from the New Jersey Department of the Treasury? * * Yes * * NO			
Address of principal office in New Jersey (if different from above) (2)					
Addresses of other offices where professional services will be offered or provided in New Jersey. (Each office must be sequentially numbered beginning with 3; as 3, 4, 5, etc.)		I am aware that the Certificate of Authorization may be revoked if any agent, employee, director or officer of the corporation violates or causes to be violated any provisions of those laws or regulations governing the practice of engineering and land surveying in New Jersey.			
CORPORATE OFFICERS/OWNERS					
NAME	TITLE	HOME ADDRESS	NJ LICENSE NUMBER PROF. ENG LAND SURV.		SIGNATURE

Persons in responsible charge listed below must include the numerical identifier of their work location following their name in the column below. If a licensee is in responsible charge of more than one office, use a separate line for each office and attach an explanation. If a licensee is also in responsible charge of engineering or land surveying services for other business entities or as a sole proprietor, he/she shall place an X in the column next to his/her signature and attach details of all such associations. List all personnel in responsible charge who act on behalf of the corporation as a professional engineer or land surveyor. The first licensee listed will be considered the designated Board contact. This individual will be sent all mail from the Board office and be the person listed on the renewed certificate.			I hereby certify that I am familiar with the laws and regulation governing the practice of engineering and land surveying in New Jersey and the definition of responsible charge therein and my responsibility under this definition		
NAME	NJ License Number Prof. Eng. Land Surv.	HOME ADDRESS	X	SIGNATURE	
Designated Board Contact (Will receive all mail from the Board Office)					
		(Use an additional sheet if necessary)			
Any changes in the above information must be reported to the board in writing, within 30 days after such changes become effective. Original signatures are needed for additions/deletions to the responsible charge. Under oath, I declare that the foregoing statements, to the best of my knowledge and belief, are true and made in good faith.					
Signed (Designated Responsible Charge Licensee) X _____ Typed Name:		Title	Date		
Subscribed and sworn to before me this _____ day of _____, _____.					
County and State	Signed (Notary Public)	Date Commission Expires	Seal of Notary Public		
Name or Corporation	Signed (Authorized Officer) X _____ Typed Name:	Title			
Before me personally appeared the signer of the above, who acknowledged himself/herself to be the authorized above-named officer of the above-named corporation and the he/she being authorized to do so, executed this application for the purposes state by signing the name of the corporation by himself/herself as the authorized officer, In witness thereof:					
County and State	Signed (Notary Public)	Date Commission Expires	Seal of Notary Public		
For Office Use Only					
Approved	State Board Professional Engineers and Land Surveyors		Signed	Date	
Fee	Date Issued	P.E./L.S. Certificate of Authorization Number			

**** COMPLETE ONLY IF APPLYING FOR BUILDING DESIGN SERVICE CONSISTING OF CLOSELY ALLIED PROFESSIONALS**
NOTE: GUIDELINES FOR BUILDING DESIGN SERVICES (ATTACHED).

DETAILS OF OWNERSHIP

AUTHORITY: Required by Section 8e (1) and (2), P.L.1989, Chapter 277
 Required Information (1) Provide the names of all directors, two-thirds of whom must be professional engineers and
 (2) The number of shares owned by engineer stockholders

A. BUILDING DESIGN SERVICES

NAME OF DIRECTOR/STOCKHOLDER	D* S B	NUMBER OF SHARES OWNED	TYPE NEW JERSEY PROFESSIONAL LICENSE NUMBER	FOR OFFICIAL USE ONLY
Total Shares Issued & Outstanding *D=Dir S=Stckhd B=Both			(Use an additional sheet if necessary)	

STATE BOARD OF
PROFESSIONAL ENGINEERS & LAND SURVEYORS,
NEWARK, NEW JERSEY
GUIDELINES ON SEALS & TITLE BLOCKS

SEALS

The authorized design of a seal has the following specifications:

- (a) Round: 1 1/2 diameter
- (b) Metal-type, embossing
- (c) Name, license number (including the acronym GE, GS or GB) and legend; refer to N.J.S.A. 45:8-36
- (d) See illustration of seal on the following sheet

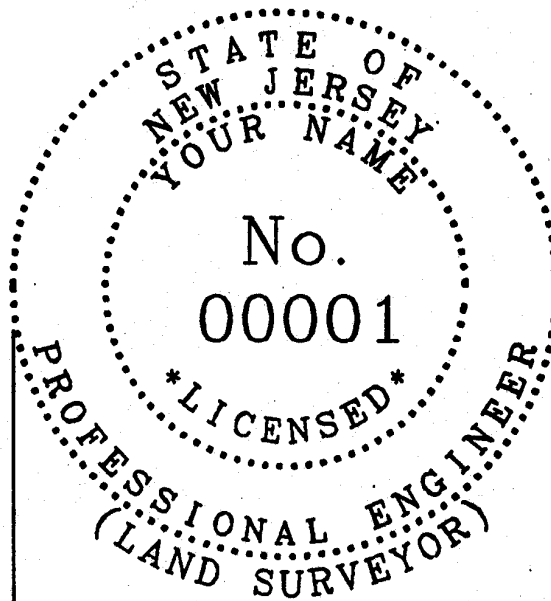
PLEASE NOTE:

- (1) A rubber facsimile of a seal may NOT be used in New Jersey
- (2) It is not advisable to seal originals of master documents, since these documents could conceivably be altered without your knowledge. It is recommended that you seal prints or copies of the originals only, subject to the requirements of laws such as the Map Filing Act, P.L. 1960, C.141.
- (3) The Board cautions against the use of your impression seal in a manner where it might be reproduced photographically.
- (4) Sealing over your signature safeguards your work product.
- (5) Please refer to N.J.S.A. 45:8-36 for statutory restrictions on the sealing of documents.

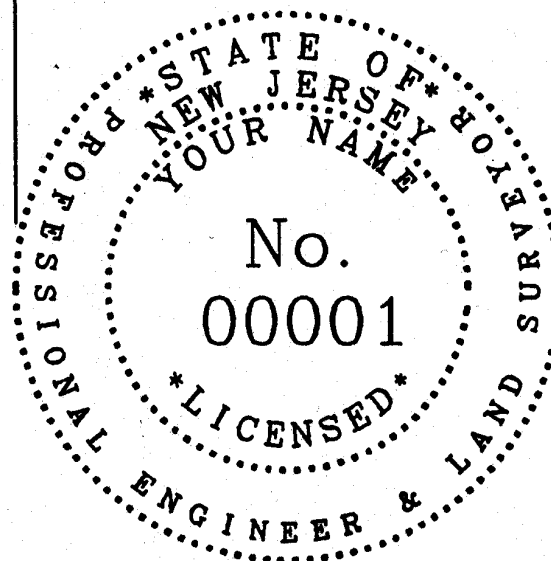
TITLE BLOCKS

N.J.A.C. 13:40-1.2 Regulates the form and content of the title blocks. The following sheet contains a sample of the statutory requirement.

*"STATE OF NEW JERSEY"
MAY APPEAR ON ONE LINE



1 1/2 INCHES



NOTE:

Use GE, GS, or GB as
part of your license
number.

THE TITLE BLOCK MAY CONTAIN THE INITIALS OF THE DRAFTSMEN OR CHECKER, AND DATES, DRAWING NUMBERS, REVISION NUMBERS AND SUCH SIMILAR INCIDENTAL ITEMS ARE AS CUSTOMARY IN PRACTICING ENGINEERS' OR LAND SURVEYORS' OFFICES, PROVIDED THAT THE NAME OF THE PERSON(S) IN RESPONSIBLE CHARGE IS READILY DISCERNIBLE FROM THE OTHER INFORMATION ON THE DOCUMENT AND CONTAINED WITHIN THE HEAVY BORDERLINE OF THE TITLE BLOCK.

THE NAME OF THE ENGINEERING OR LAND SURVEYING INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, PROFESSIONAL ASSOCIATION OR PROFESSIONAL SERVICE CORPORATION.

THE NAME AND LOCATION OF THE PROJECT.

13:40-1.1 ALL SEALING OF DOCUMENTS MUST BE DONE WITH ANS IMPRESSION TYPE SEAL.
A RUBBER STAMP FACSIMILE OF THE SEAL MAY NOT BE USED.

13:40-1.3 (A) 3. THE FULL NAME AND CERTIFICATE NUMBER OF THE PERSON(S) IN RESPONSIBLE CHARGE;
4. THE TITLE "PROFESSIONAL ENGINEER" OR LAND SURVEYOR";
5. THE HANDWRITTEN SIGNATURE OF THE PERSON(S) IN RESPONSIBLE CHARGE AND THE
DATE WHEN SIGNED.

CONTRACT TO PROVIDE PROFESSIONAL SERVICE;
CERTIFICATION OF AUTHORIZATION.

**NATIONAL COUNCIL OF EXAMINERS
FOR ENGINEERING & SURVEYING
P.O. BOX 1686, Clemson, SC 29633-1686
(800)250-3196 or (864)654-6824
Fax: (864)654-6033**

Mail Addresses of Member and Affiliate Member Boards with the name of person in charge of the office and their telephone number.

ALABAMA

State Board of Licensure for Professional Engineers
& Surveyors

Regina A. Dinger, Executive Director
rdinger@bels.state.al.us

Office:

100 North Union Street, Suite 382
Montgomery, AL 36104-3762

Mailing:

P.O. Box 304451
Montgomery, AL 36130-4451

Phone: (334) 242-5568

Fax: (334) 242-5105

Web site: <http://www.bels.state.al.us>

ALASKA

State Board of Registration for Architects, Engineers
and Land Surveyors

Executive Administrator:

Nancy Hemenway
nancy_hemenway@dcad.state.ak.us

Office Address:

333 Willoughby, 9th Floor
State Office Building
Juneau, AK

Mailing Address:

P.O. Box 100806
Juneau, AK 99811-0806

Phone: (907) 465-1676

Fax: (907) 465-2974

Web site: <http://www.dcad.state.ak.us/occ/pael.htm>

ARIZONA

State Board of Technical Registration

Ronald W. Dalrymple, Executive Director
bttrwd@yahoo.com

Office:

1110 W. Washington Street, Suite 240
Phoenix, AZ 85007

Phone: (602)364-4930

Fax: (602)364-4931

Web site: <http://www.btr.state.az.us>

ARKANSAS

State Board of Registration for Professional
Engineers & Land Surveyors

Joseph Clements, Jr., Executive Director
joseph.clements@mail.state.ar.us

Office:

410 West 3rd Street, Suite 100
Little Rock, AR 72201

Mail:

P.O. Box 3750
Little Rock, AR 72203

Phone: (501)682-2824

Fax: (501)682-2827

Web site: <http://www.state.ar.us/pels>

CALIFORNIA

Board of Professional Engineers & Land Surveyors

Cindi Christenson, PE, Executive Director
cindi_christenson@dca.ca.gov

Office:

2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944

Mail:

P.O. Box 349002
Sacramento, CA 95834-9002

Phone: (916)263-2230

Fax: (916)263-2221

Web site: http://www.dca.ca.gov/pels_contacts.htm

COLORADO

State Board of Registration for Professional Engineers
& Professional Land Surveyors

Angeline Kinnaird, Program Administrator

angie.kinnaird@dora.state.co.us

Office:

1560 Broadway, Suite 1370

Denver, CO 80202

Phone: (303)894-7788

Fax: (303)894-7790

Web site:

http://www.dora.state.co.usengineers_surveyors

CONNECTICUT

State Board of Examiners for Professional Engineers
& Land Surveyors

Barbara Syp, Board Administrator

barbara.syp@po.state.ct.us

Office:

The State Office Building, Room 100

165 Capitol Avenue

Hartford, CT 06106-1630

Phone: (860)713-6145

Fax: (860)713-7230

Web site: <http://www.state.ct.us/dcp>

DELAWARE

Delaware Association of Professional Engineers

Margaret Abshagen, Executive Director

peggy@dape.org

Office:

56 W. Main Street, Suite 208, Plaza 273

Christiana, DE 19702

Phone: (302)368-6708

Fax: (302)368-6710

Web site: <http://www.dape.org>

DISTRICT OF COLUMBIA

Board of Professional Engineers

Linda E. Dixon, Board Representative

linda.dixon@dc.gov

Office:

941 North Capitol Street NE

OPLA Room 2200

Washington, DC 20002

Phone: (202)442-4320

Fax: (202)442-4528

FLORIDA

Board of Professional Engineers

Natalie Lowe, Member Board Administrator

nlowe@fbpe.org

Office:

2507 Callaway Road, Suite 200

Tallahassee, FL 32303

Phone: (850)521-0500

Fax: (850)521-0521

Web site: <http://www.fbpe.org>

GEORGIA

State Board of Registration for Professional Engineers
& Land Surveyors

Darren Mickler, Executive Director

dmickler@sos.state.ga.us

Office:

237 Coliseum Drive

Macon, GA 31217-3858

Phone: (478) 207-1450

Fax: (478)207-1456

Web site: <http://www.sos.state.ga.us/plb/pels>

GUAM

Guam Board of Registration for Professional
Engineers, Architects and Land Surveyors

Amor A. Pakingan, Board Administrator

amor@guam-peals.org

Office:

718 N. Marine Drive, Suite 208

Tamuning, GU96913-4425

Phone: (671)646-3115/3138

Fax: (671)649-9533

Web site: <http://www.guam-peals.org>

HAWAII

Board of Professional Engineers, Architects,
Surveyors, & Landscape Architects

James Kobashigawa, Executive Officer

Office:

1010 Richards Street

Honolulu, HI 96813

Phone: (808)586-2702

Fax: (808)586-2874

Web site: <http://www.state.hi.us/dcca>

IDAHO

Board of Professional Engineers & Professional Land Surveyors

David L. Curtis, PE, Executive Director

dcurtis@ipels.state.id.us

Office:

600 S. Orchard, Suite A

Boise, ID 83705-1242

Phone: (208)334-3860

Fax: (208)334-2008

Web site: <http://www.state.id.us/ipels/index.htm>

ILLINOIS

Department of Professional Regulation State Board of Professional Engineers

Terry Baird, Design Professions Coordinator

Office:

320 West Washington Street, 3rd Floor

Springfield, IL 62786

Phone: (217)785-0877

Fax: (217)782-7645

Web site: <http://www.dpr.state.il.us>

INDIANA

State Board of Registration for Professional Engineers

Gerald H. Quigley, Executive Director

Office:

302 W. Washington Street, Room E-034

Indianapolis, IN 46204

Phone: (317)232-2980

Fax: (317)232-2312

Website: <http://www.in.gov/pla/bandc/engineers>

INDIANA

State Board of Registration for Professional Land Surveyors

Vickie Harless, Board Secretary

Office:

302 W. Washington Street, Room E-034

Indianapolis, IN 46204

Phone: (317)232-2980

Fax: (317)232-2312

Web site: <http://www.in.gov/pla/bandc/surveyors>

IOWA

Engineering & Land Surveying Examining Board

Gleean Coates, Executive Officer

gleean.coates@comm7.state.ia.us

Office:

1920 SE Hulsizer

Ankeny, IA 50021

Phone: (515)281-4126

Fax: (515)281-7411

Website: <http://www.state.ia.us/government/com>

KANSAS

State Board of Technical Professions

Betty L. Rose, Executive Director

Office:

Landon State Office Building

900 SW Jackson, Suite 507

Topeka, KS 66612-1257

Phone: (785)296-3053

Web site: <http://www.accesskansas.org/ksbtp>

KENTUCKY

State Board of Licensure for Professional Engineers & Land Surveyors

B. David Cox, Executive Director

bdavid.cox@mail.state.ky.us

Office:

Kentucky Engineering Center

160 Democrat Drive

Frankfort, KY 40601

Phone: (800)573-2680, (502)573-2680

Fax: (502)573-6687

Web site: <http://kyboels.state.ky.us>

MAINE

State Board of Registration for Professional Engineers

Beatrice M. Gagnon,

Administrative Office Manager

Office:

Augusta Airport Terminal Building -2nd Floor

Augusta, ME 04330

Mailing:

92 State House Station

Augusta, ME 04333-0092

Phone: (207) 287-3236

Fax: (207)626-2309

Web site:

<http://www.professionals.maineusa.com/engineers>

MAINE

State Board of Licensure for Professional Land Surveyors

Kim Baker-Stetson, Board Clerk

kimberly.j.baker-stetson@maine.gov

Office:

122 Northern Avenue
Gardiner, ME 04345

Mail:

35 State House Station
Augusta, ME 04333-0035

Phone: (207)624-8522

Fax: (207)624-8637

Web site:

<http://www.state.me.us/pfr/olr/categories/cat24.htm>

LOUISIANA

Louisiana Professional Engineering & Land Surveying Board

Benjamin S. Harrison, Acting Executive Secretary

benh@lapels.com

Office:

9643 Brookline Avenue, Suite 121
Baton Rouge, LA 70809-1433

Phone: (225)925-6291

Fax: (225)925-6292

Web site: <http://www.lapels.com>

MARYLAND

State Board for Professional Engineers

Sally Wingo, Executive Director

swingo@dllr.state.md.us

Office:

500 North Calvert Street, Room 308
Baltimore, MD 21202

Phone: (410)230-6322

Fax: (410)333-0021

Web site: <http://www.dllr.state.md.us>

MARYLAND

State Board for Professional Land Surveyors

Sally Wingo, Executive Director

swingo@dllr.state.md.us

Office:

500 North Calvert Street, Room 308
Baltimore, MD 21202-3651

Phone: (410)230-6322

Fax: (410)333-0021

Web site: <http://www.dllr.state.md.us>

MASSACHUSETTS

Board of Registration of Professional Engineers & Professional Land Surveyors

Deborah Milliken, Administrative Assistant

deborah.m.milliken@state.ma.us

Office:

Division of Professional Licensure
239 Causeway Street
Boston, MA 02114

Phone: (617)727-9957

Fax: (617)727-1627

Web site: <http://www.state.ma.us/reg>

MICHIGAN

Michigan Department of CIS Board of Professional Engineers

Gloria Keene, Licensing Administrator

gkeene@michigan.gov

Office:

2501 Woodlake Circle
Okemos, MI 48864

Mailing:

P.O. Box 30018
Lansing, MI 48909

Phone: (517)241-9253

Fax: (517)241-9280

Web site:

http://www.michigan.gov/cis/0,1607,7-154-10557_12992_14016--,00.html

MICHIGAN

Michigan Department of CIS Board of Professional Surveyors

Gloria Keene, Licensing Administrator

gkeene@michigan.gov

Office:

2501 Woodlake Circle

Okemos, MI 48864

Mailing: P.O. Box 30018

Lansing, MI 48909

Phone: (517)241-9253

Fax: (517)241-9280

Web site:

http://www.michigan.gov/cis/0,1607,7-15410557_12992_14016--,00.html

MINNESOTA

State Board of Architecture, Engineering Land Surveying, Landscape Architecture, Geoscience, and Interior Design

Doreen Frost, Executive Director

doreen.b.frost@state.mn.us

Office:

The Golden Rule Building, Suite 160

85 East Seventh Place

St. Paul, MN 55101

Phone: (651)296-2388

Fax: (651)297-5310

Web site: <http://www.aelslagid.state.mn.us>

MISSISSIPPI

State Board of Registration for Professional Engineers & Land Surveyors

Rosemary Brister, Executive Director

informatio@pepls.state.ms.us

Office:

The Robert E. Lee Building, Suite 501

239 North Lamar

Jackson, MS 39205

Mailing:

P.O. Box 3

Jackson, MS 39205

Phone: (601)359-6160

Fax: (601)359-6159

Web site: <http://www.pepls.state.ms.us>

MISSOURI

Missouri Board of Architects, Professional Engineers, Land Surveyors & Landscape Architects

Judy Kempker, Executive Director

jkempker@mail.state.mo.us

Office:

3605 Missouri Blvd., Suite 380

Jefferson City, MO 65102

Mail:

P.O. Box 184

Jefferson City, MO 65102

Phone: (573)751-0047

Fax: (573)751-8046

Web site:

<http://www.ecodev.state.mo.us/pr/moapels>

MONTANA

Board of Professional Engineers & Land Surveyors

Todd Boucher, Board Administrator

toboucher@state.mt.us

Office:

Dept. of Commerce

P.O. Box 200513

301 South Park Avenue, 4th Floor

Helena, MT 59620-0513

Phone: (406)841-2367

Fax: (406)841-2332

Web site:

http://www.discoveringmontana.com/dli/bsdlicense/bsd_boards/pel_board/board_page.htm

NEBRASKA

Board of Engineers and Architects

Charles G. Nelson, Executive Director

board@nol.org

Office:

301 Centennial Mall, South

Lincoln, NE 68508

Mailing:

P.O. Box 95165

Lincoln, NE 68509

Phone: (402)471-2021/2407

Fax: (402)471-0787

Web site: <http://www.ea.state.ne.us>

NEBRASKA

Board of Examiners for Land Surveying
Kathy Martin, Administrative Assistant
kmartin@sso.state.ne.us

Office:

555 North Cotner Blvd., Lower Level
Lincoln, NE 68505

Phone: (402)471-2566

Fax: (402)471-3057

Web site: <http://www.ea.state.ne.us>

NEVADA

State Board of Professional Engineers & Land Surveyors
Noni Johnson, Executive Director
nonijohnson@boe.state.nv.us

Office:

1755 East Plumb Lane, Suite 135
Reno, NV 89502

Phone: (775)688-1231

Fax: (775)688-2991

Web site: <http://www.boe.state.nv.us>

NEW HAMPSHIRE

Board of Professional Engineers
Louise Lavertu, Executive Director
llavertu@nhsa.state.nh.us

Office:

57 Regional Drive
Concord, NH 03301

Phone: (603)271-2219

Fax: (603)271-6990

Web site: <http://www.state.nh.us/jtboard/home.htm>

NEW HAMPSHIRE

Board of Licensure for Land Surveyors
Louise Lavertu, Executive Director
llavertu@nhsa.state.nh.us

Office:

57 Regional Drive
Concord, NH 03301

Phone: (603)271-2219

Fax: (603)271-6990

Web site: <http://www.state.nh.us/jtboard/home.htm>

NEW JERSEY

State Board of Professional Engineers & Land Surveyors
Arthur Russo, Executive Director
russo.arthur@lps.state.nj.us

Office:

124 Halsey Street, 3rd Floor
Newark, NJ 07102

Mailing:

P.O. Box 45015
Newark, NJ 07101

Phone: (973)504-6460

Fax: (973)273-8020

Web site:

<http://njconsumeraffairs.gov/nonmedical/pels.htm>

NEW MEXICO

Board of Licensure for Professional Engineers & Surveyors
Elena Garcia, Executive Director
elena.garcia@state.nm.us

Office:

1010 Marquez Place
Santa Fe, NM 87505

Phone: (505)827-7561

Fax: (505)827-7566

Web site: <http://www.state.nm.us/pepsboard>

NEW YORK

State Board of Engineering & Land Surveying
Jane Blair, Executive Secretary

Office:

State Education Building
89 Washington Avenue
2nd Floor, Mezzanine East-Wing
Albany, NY 12234-1000

Phone: (518)474-3817, Ext. 140

Fax: (518)473-6282

Web site: <http://www.op.nysed.gov>

NORTH CAROLINA

Board of Examiners for Engineers and Surveyors

Andrew L. Ritter, Executive Director

aritter@ncbels.org

Office:

310 W. Millbrook Road
Raleigh, NC 27609-7197

Phone: (919)841-4000

Fax: (919)841-4012

Web site: <http://www.ncbels.org>

NORTH DAKOTA

State Board of Registration for Professional Engineers
& Land Surveyors

Clifford E. Keller, Executive Secretary

Office:

721 West Memorial Highway
Bismark, ND 58504

Mailing:

PO Box 1357
Bismarck, ND 58502-1357

Phone: (701)258-0786

Fax: (701)258-7471W

Web site: <http://www.ndpelsboard.org>

NORTHERN MARIANA ISLANDS

Board of Professional Licensing

Florence C. Sablan, Executive Director

nmi.bpl@gtepacifica.net

Office:

Commonwealth of Northern Mariana Islands
PO Box 502078
Saipan, Northern Mariana Islands 96950

Phone: (011)(670)234-5897

Fax: (011)(670)234-6040

OKLAHOMA

State Board of Registration for Professional Engineers
& Land Surveyors

Kathy Hart, Executive Director

okpels@pels.state.ok.us

Office:

Oklahoma Engineering Center, Room 120
201 N.E. 27th Street
Oklahoma City, OK 73105

Phone: (405)521-2874

Fax: (405)523-2135

Web site: <http://www.pels.state.ok.us>

OREGON

State Board of Examiners for Engineering and Land
Surveying

Edward B. Graham, PLS, Executive Secretary

grahame@osbeels.org

Office:

728 Hawthorne Avenue, NE
Salem, OR 97301

Phone: (503)362-2666

Fax: (503)362-5454

Web site: <http://www.osbeels.org>

PENNSYLVANIA

State Registration Board for Professional Engineers,
Land Surveyors, and Geologists

Shirley S. Klinger, Board Administrator

st-engineer@state.pa.us

Office:

2601 North Third Street
Harrisburg, PA 17110

Mailing:

P.O. Box 2649
Harrisburg, PA 17105-2649

Phone: (717)783-7049

Fax: (717)705-5540

Web site: <http://www.dos.state.pa.us/eng>

PUERTO RICO

Board of Examiners of Engineers and Land Surveyors

Marcos R. Velez Green, Executive Director

Office:

Secretaria Auxiliar de Juntas Examinadoras
151 Fortaleza Street, 3rd Fl, Office 308
San Juan, PR 00902-3271

Mailing:

Secretaria Auxiliar de Juntas Examinadora
Department of State
P.O. Box 9023271
San Juan, PR 00902-3271

Phone:

(787)722-2122 x 232(Board)
(787)722-4816 (Executive Director)
Fax: (787)722-4818

RHODE ISLAND

Board of Registration for Professional Engineers

Lois Marshall, Administrative Assistant

loism@mail.state.ri.us

Office:

1 Capitol Hill, 3rd Floor
Providence, RI 02908

Phone: (401)222-2565

Fax: (401)222-5744

Web site: <http://www.bdp.state.ri.us>

RHODE ISLAND

Board of Registration for Professional Land Surveyors

Christina M. Styron, Administrative Assistant

chriss@mail.state.ri.us

Office:

1 Capitol Hill, 3rd Floor
Providence, RI 02908

Phone: (401)222-2038

Fax: (401)222-5744

Web site: <http://www.bdp.state.ri.us>

SOUTH CAROLINA

State Board of Registration for Professional Engineers
& Land Surveyors

Jay Pitts, Board Administrator

Office:

110 Centerview Drive, Kingtree Building
PO Box 11597
Columbia, SC 29211-1597

Phone: (803)896-4422

Fax: (803)896-4427

Web site:

<http://www.llr.state.sc.us/POL/Engineers>

SOUTH DAKOTA

Board of Technical Professions

Ann Whipple, Executive Director

ann.whipple@state.sd.us

Ruth Knapp, Examinations

ruth.knapp@state.sd.us

Wendy Whipple, Applications

wendy.whipple@state.sd.us

Office:

2040 West Main Street, Suite 304
Rapid City, SD 57702-2447

Phone: (605)294-2510

Fax: (605)394-2509

Web site:

<http://www.state.sd.us/dol/boards/engineer/eng-hom.htm>

TENNESSEE

State Board of Architectural and Engineering
Examiners

Barbara Bowling, Executive Director

barbara.bowling@state.tn.us

Office:

Department of Commerce and Insurance
500 James Robertson Pkwy, 3rd Fl
Nashville, TN 37243-1142

Phone: (800)256-5758, (615)741-3221

Fax: (615)532-9410

Web site:

<http://www.state.tn.us/commerce/ae.html>

TENNESSEE

State Board of Examiners for Land Surveyors

Donna Moulder, Director

donna.moulder@state.tn.us

Office:

500 James Robertson Pkwy, 2nd Fl
Nashville, TN 37243-1146

Phone: (615)741-3611

Fax: (615)741-5995

TEXAS

Texas Board of Professional Engineers
Victoria J.L. Hsu, PE, Executive Director
victoria.hsu@tbpe.state.tx.us

Office:

1917 Interstate Hwy 35 S.
Austin, TX 78741

Phone: (512)4407723

Fax: (512)440-0417

Web site: <http://www.tbpe.state.tx.us>

TEXAS

Texas Board of Land Surveying
Sandy Smith, Executive Director
sandy.smith@mail.capnet.state.tx.us

Office:

7701 North Lamar, Suite 400
Austin, TX 78752

Phone: (512)452-9427

Fax: (512)452-7711

Web site:

<http://www.txls.state.tx.us/sect00/homepage.html>

VIRGINIA

Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects

Mark N. Courtney, Administrator

Office:

Department of Professional & Occupational Regulation
3600 West Broad Street
Richmond, VA 23230-4917

Phone: (804)367-8512 (Board)

(804)367-8514 (Administrator)

Fax: (804)367-2475

Web site: <http://www.state.va.us/dpor>

VERMONT

Board of Professional Engineering
Theodore McKnight, Board Administrator
tmcknigh@sec.state.vt.us

Office:

81 River Street, Heritage Building
Montpelier, VT 05602-1106

Phone: (802)828-3256

Fax: (802)828-2368

Web site: <http://www.vtprofessionals.org>

VERMONT

Board of Land Surveyors
Theodore McKnight, Board Administrator
tmcknigh@sec.state.vt.us

Office:

81 River Street, Heritage Building
Montpelier, VT 05602-1106

Phone: (802)828-3256

Fax: (802)828-2368

Web site: <http://www.vtprofessionals.org>

UTAH

Utah Professional Engineers & Professional Land Surveyors Board
Douglas Vilnius, Board Administrator
dvilnius@utah.gov

Office:

160 East 300 South, 4th Fl
Salt Lake City, UT 84111

Mailing:

160 East 300 South
Box 146741
Salt Lake City, UT 84114-6741

Phone: (801)530-6632

Fax: (801)530-6511

Web site: <http://www.dopl.utah.gov>

VIRGIN ISLANDS

Board of Architects, Engineers, and Land Surveyors
Lisa Davis, Administrator

Office:

Dept. of Licensing & Consumer Affairs
Golden Rock Shopping Center
Christiansted, St. Croix Virgin Islands 00820

Phone: (340)773-2226

Fax: (340)713-8308

Web site: <http://www.dlca.gov.vi/pro-aels.html>

WASHINGTON

State Board of Registration for Professional Engineers
& Land Surveyors

George Twiss, PLS, Executive Director

gtwiss@dol.wa.gov

Office:

405 Black Lake Blvd. SW
Olympia, WA 98502

Mailing:

PO Box 9025
Olympia, WA 98507-9025

Phone: (360)664-1575

Fax: (360)664-2551

Web site:

<http://www.dol.wa.gov/engineers/engfront.htm>

WEST VIRGINIA

State Board of Registration for Professional Engineers

Lesley L. Rosier, PE, Executive Director

rosierl@wvnet.edu

Office:

910 Kanawha Valley Building
300 Capitol Street
Charleston, WV 25301

Phone: (304)558-3554

Fax: (304)558-6232

Web site: <http://www.wvpebd.org>

EDMI CALIBRATION BASELINE DATA FORM

New Jersey Department of Law and Public Safety, Division of Consumer Affairs
Office of Weights and Measures
1261 Routes 1 and 9 South, Avenel, New Jersey 07001-1647
Telephone No. (908) 815-4840 Fax: (908) 382-5298

SECTION 1:

FIRM: _____ DATE: _____
INSTRUMENT: _____
SERIAL NO.: _____
TELEPHONE NO. (____) _____ FAX (____) _____ SHEET _____ of _____

SECTION 2:

OCCUPIED STATION: _____ OBSERVED STATION: _____

SECTION 3:

CALIBRATION BASELINE: _____ LOCATION: _____

Instrument Operator: _____ Note Keeper: _____ Time: _____

WEATHER	ZENITH ANGLE CHECK	INSTRUMENT SETTINGS
Temperature: _____	Z.A. Direct: _____	Manufac. Instr. Constant: _____
Barometric Pressure: _____ / _____	Z.A. Reversed: + _____	Prism Offset: (+/-) _____
Actual/Relative	D. & R. Sum: _____	Computed Instr. Offset: _____
P.P.M. Set at _____	Circle: _____	Difference: _____
Wind: _____	Difference: _____	Instr. Constant Set to: _____
Humidity: _____	MEAN Z.A. Dir.: _____	Meter/Feet Conversion: _____
Climate/Comments: _____		

SECTION 4:

FROM STATION: _____ Sta. Elev.: (m) _____ (ft) _____	Published Diff. in Elev.: _____
Instrument Height: (m) _____ (ft) _____	Field Diff. in Elevation: _____
Height of Instrument: (m) _____ (ft) _____	Calculated Difference: _____
TO STATION: _____ Sta. Elev.: (m) _____ (ft) _____	
Prism or Target Height: (m) _____ (ft) _____	(Z.A. Instr. Precision) (Segment) * _____
Height of Prism or Target: (m) _____ (ft) _____	SIN Length

SECTION 5:

	OBSERVATION GROUP NO. 1 (DIRECT)	
Slope Distance (m/ft)	Horizontal Distance (m/ft)	Vert. Height Diff. (m/ft)
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
	OBSERVATION GROUP NO. 2 (REVERSED)	
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

SECTION 6:

Mean Horizontal Distance: _____	Published Horiz. Distance: _____
Standard Deviation: _____	Adjusted Field Distance: _____
Sigma Value: _____ (Std. Deviation) (2.5)	Difference: _____
High/Low Spread: _____	Manuf. DIN Spec. (Tolerance): [+/-] _____
Number of Rejections: _____	Correction applied to EDM: [+/-] _____

SECTION 7: I hereby acknowledge, as witnessed by my signature and embossed seal, that I have personally compared my EDMi in accordance with the laws of the State of New Jersey and that I shall apply the appropriate linear corrections to the EDMi measurements observed with this instrument.

N.J. Professional Land Surveyor/License No. _____

SEAL

Form: NJSA 51:1-6/8.8.94